

A
SECOND COLLECTION

O F

SCARCE and VALUABLE

TRACTS,

ON THE MOST

Interesting and Entertaining Subjects:

But chiefly such as relate to the

History and Constitution of these Kingdoms.

Selected from an infinite Number in *Print* and *Manuscript*, in the ROYAL,
COTTON, SION, and other Public, as well as Private Libraries;

Particularly that of the

Late LORD SOMERS.

Revised by EMINENT HANDS.

V O L II.

*The Bent and Genius of the Age is best known in a free Country, by the Pamphlets and
Papers that come daily out, as the Sense of Parties, and sometimes the Voice of the
Nation.* Preface to KENNET'S Register.

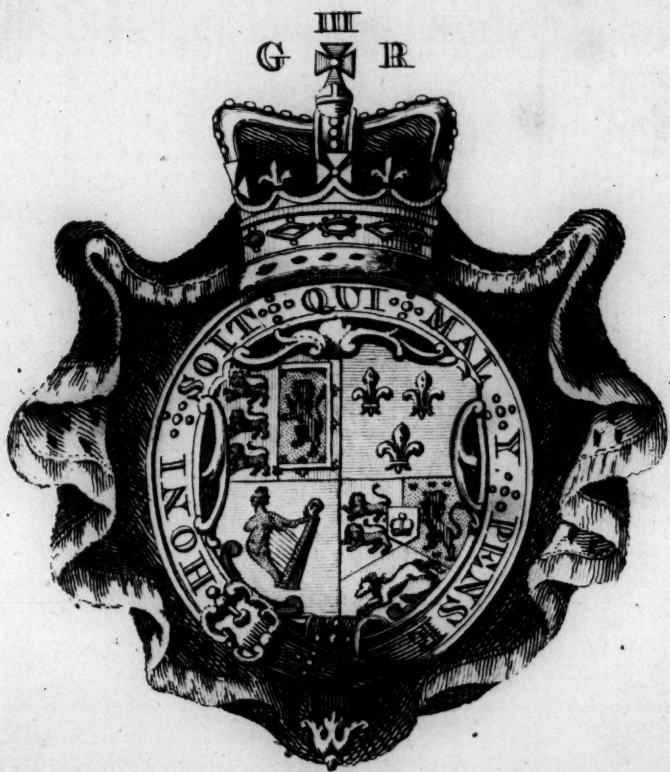
Judex qui aliquid statuit, unâ parte auditâ tantum & inauditâ alterâ, licet æquum
statuerit, haud æquus fuerit. *Ld. Cook & Just. Inst.*

L O N D O N.

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M,DCC,L.



THE CONTENTS OF THE SECOND VOLUME.

TWO SPEECHES made by *John Pymm*, Esq; the one after the Articles of the Charge against the Earl of *Strafford* were read, 25th of *Novemb.* 1640, (quoted, but omitted by *Rushworth*) the other after the Articles of the Charge against *Sir George Radcliffe*, were read, the 31st of *December*, 1740.

Page 1

The Speech of *Thomas Wentworth*, late Earl of *Strafford*, and Deputy of *Ireland*, in the *Tower*, to the Lords, before he went to Execution.

4

A Letter sent to a Great Lady, and lately discovered by a strange Accident, *May* 4, 1641.

9

The Petition of the Earl of *Strafford*'s unto the Lords Spiritual and Temporal in this present Parliament assembled, before he died.

11

The humble Petition of *Thomas* Earl of *Strafford*, his Majesty's Lord Lieutenant General of *Ireland*.

ibid.

Sir John Evelin's Report from the Committee appointed to consider of the printing of the Lord *Digby*'s Speech concerning the Bill of Attainder of the Earl of *Strafford*; whereunto is added, the Order for the burning the said Speech. Written by the printed Copy, 1641.

12

Certain Observations, collected out of a Treatise called, *The Difference between Christian Subjection and Unchristian Rebellion*. Compiled by that judicious and learned Divine *Thomas Bilson*, then Warden of *Winchester*, since Bishop there; necessary in these Times to be perused, 1641.

14

The King's Demand of the House of Commons concerning those Members who were accused of High Treason,

January 4, 1641; with Mr. Speaker's Reply unto the said Demand: also the Occasion of his Majesty's coming to *Guild-Hall* on *Wednesday*, with the Conference between his Majesty and the Lord Mayor, concerning these present Tumults in the City, with his Majesty's Speech in *Guild-Hall* to the Court of Aldermen and Common Council of the City of *London*; whereunto is added, an Order or Protestation of the Grand Committees of both Houses of Parliament in *Guild-Hall*, concerning the Protection of the Members of the House of Commons, attached of High Treason, and others. (Many extraordinary Incidents are related here, omitted by *Rushworth*.)

15

A judicious Speech made by the Right Hon. Lord *Kimbolton*, in the Parliament *Jan.* 3, 1641, concerning the Articles of High Treason against his Lordship, *Sir Arthur Haslerig*, Mr. *Pymm*, Mr. *Stroud*, Mr. *Hollis*, and Mr. *Hampden*, by his Majesty; declaring, 1. The Cause of their Accusation. 2. The Authors that procured it. 3. The Effect likely to follow upon the same.

19

Master *Stroud*'s Speech in Parliament, on *Tuesday* the 3d of *January*, in Reply to the Articles of High Treason against himself, the Lord *Kimbolton*, Master *Pymm*, *Sir Arthur Haslerig*, Master *Hampden*, and Master *Hollis*, exhibited by his Majesty, wherein he clearth himself concerning the same, 1642.

20

Sir Arthur Haslerig's Speech in Parliament, whereby he clearth himself of the Articles of High Treason exhibited against himself, the Lord *Kimbolton*, Mr. *John Pymm*, Mr. *Hampden*, Mr. *Stroud*, and Mr. *Hollis*, by his Majesty, on *Tuesday*

A 2

the

The CONTENTS of the SECOND VOLUME.

- the 4th of *January*, 1642. (Not in *Rushworth*.) 22
- A discreet and learned Speech spoken in the Parliament, on *Wednesday* the 4th of *January*, 1641, by *Mr. Hampden*, *Burgefs* for *Buckingham*, concerning the Accufation of High Treafon preferred by his Majesty, againft himfelf, the Lord *Kimbolton*, Sir *Arthur Haferig*, *Mr. Pymm*, *Mr. Stroud*, and *Mr. Hollis*, (worthy Members of the Houfe of Commons) therein worthily declaring the Difference betwixt a Good Subject and a Bad; and referring his own Trial to the Judgment of that honourable Affembly. 26
- A Speech made in Parliament by *Mr. Glyn*, on the 5th of *Jannary* 1641, concerning the Breaches of the Privileges thereof, by breaking open the Chambers, Trunks, and Studies of the fix worthy Members of Parliament, upon their Accufation of High Treafon by his Majesty. 29
- Mr. Grimfton's* Speech at the Committee fitting in *Guild-Hall*, on *Thursday* the 6th of *January* 1641, concerning the Breaches of the Privileges of Parliament, by breaking open the Chambers, Studies, and Trunks of the Lord *Kimbolton*, and the reft of the Members of the Houfe of Commons, accufed by his Majesty of High Treafon. Whereupon the fame Day there was a Declaration agreed upon and publifhed, for the Prefervation of their Privileges, and Protection of their Members from the like Violence for the Time to come. 31
- Mafter *Maynard's* Speech at the Committee at *Guild-Hall* in *London*, on *Thursday January* 6, 1641, concerning the Breaches of Privileges of Parliament, 1641. 34
- The Two Petitions of the County of *Buckingham*, as prefented to both the Houfes, by Knights, Efquires, Captains and Gentlemen, with a very great Number of Freeholders, being the true Copy as it was prefented to the Houfes of Parliament, *January* 11, 1641. As alfo the humble Petition of the Mariners and Seamen, Inhabitants in and about the Ports of *London* and the River *Thames*: Together with the Petition of the four Inns of Court. 36
- Mr. Pymm's* Speech and Proteftation in Parliament, on *Friday* the 14th of *January* 1641, concerning his Innocency, touching the Articles of High Treafon exhibited againft himfelf, and the other Gentlemen accufed upon the fame, with his humble Motion to the Houfe, to move the Lords to joyn with him in petitioning his Majesty that he may know his Accufers, againft whom he may have Liberty to vindicate his Reputation. 40
- Sir *Philip Stapleton's* worthy Speech in the Houfe of Commons in Parliament, *Jan.* 15, 1641, concerning the Accufation of the Lord *Digby*, and Colonel *Lunsford*, of High Treafon. 42
- Mr. Glyn's* Speech in Parliament upon the Reading the Accufation of the Houfe of Commons againft *Mr. Herbert*, the Kings Attorney, for Advifing and drawing the Accufation of High Treafon againft the fix worthy Members of the Houfe of Commons, *February* 18, 1641. 45
- Mr. Grimfton's* Argument concerning Bifhops: With *Mr. Selden's* Answer. Alfo feveral Orders newly made in Parliament concerning Church Government. 46
- The Petition of the Lords and Commons in Parliament, delivered to his Majesty the 16th of *July*, with his Majesty's Answer thereunto, with the Votes, 1642. 48
- A Speech delivered in the Houfe of Commons, *July* 7, 1641; being refolved into a Committee (fo near as it could be collected together) in the *Palatine* Caufe. By Sir *Simonds D'Ewes*. 57
- Two Speeches, fpoken by Sir *Simonds D'Ewes*, the firft touching the Antiquity of *Cambridge*, lately publifhed by *John Thomas*, with many ignorant and foolifh Miftakes, which are here rectified: The other concerning Privilege of Parliament in Caufes Civil and Criminal. 62
- Certain Confiderations upon the Duties both of Prince and People, by Sir *John Spelman*, 1642. 66
- Mr.

The CONTENTS of the SECOND VOLUME:

- Mr. *Pymm's* Speech on *Wednesday Jan. 5,* 1641, concerning the Vote of the House of Commons, for his Discharge upon the Accusation of High Treason exhibited against himself, and the Lord *Kimbolton*, Mr. *Hampden*, Sir *Arthur Haslerig*, Mr. *Stroud*, and Mr. *Hollis*, by his Majesty. 83
- Mr. *Hollis's* Speech in Parliament the 21st of *March* 1642, wherein is contained his Declaration concerning the King's Attorney-General for his Abuse given to the House of Commons in the Accusation of High Treason against the six Members of the House: As also his Advice concerning the last Commands issued from the said House, &c. 86
- A Sermon preached at a Fast, before the Hon. House of Commons. *Joab's* Counsel, and King *David's* seasonable hearing of it. By *W. Bridges*. 91
- The humble Petition of your Majesty's most loyal Subjects the GRAND JURY impannelled *July 11,* 1646, to serve at the General Assizes holden for the County of *Berkshire*, in the Behalf of themselves and the rest of the Body of the County. 103
- The humble Petition of the Gentry in your Majesty's County of *York*, now assembled at the Assizes at *York* the 28th of *July*, 1640. 105
- The Privileges of the House of Commons in Parliament assembled, wherein it is proved, their Power is equal with that of the House of Lords, if not greater. However it appears that both the Houses have a Power above the King if he vote contrary to them; all which is proved by several Presidents taken out of Parliament Rolls in the Tower. 106
- Certain Observations touching the two great Offices of the Seneschalsey or High Stewardship and High-Constableness of *England*, 1642. 109
- The King's Majesty's Speech, as it was delivered the 2d of *November*, before the University and City of *Oxford*; together with a gratulatory Replication, expressed by that learned Man Dr *William Strode*, Orator for the famous University of *Oxford*, 1642. 121
- A Speech delivered by the King's most excellent Majesty in the Convocation House at *Oxford*, to the Vice Chancellor, Doctors, &c. 123
- Mr. Vice Chancellors Speech to his sacred Majesty at his Entertainment at *Christ Church* in *Oxford* on New-Year's Day. 126
- The Forerunner of Revenge; being a Petition to the King's Majesty; wherein is expressed divers Actions of the late Earl of *Buckingham*; especially concerning the Death of King *James* and the Marquis *Hamilton*, supposed by Poyson; also may be observed the Inconveniencies befalling a State, where the noble Disposition of the Prince is misled by a Favourite. By *George Eglisham*, D. D. 1642. 129
- The Earl of *Dorset's* Speech for the Propositions of Peace delivered to his Majesty at *Oxford*, on *Jan. 18*, concerning the War now in *England*. 134
- A Declaration concerning the General Accounts of the Kingdom, with the true State of all Receipts and Disbursements of Money both by Land and Sea, for the Use of the Commonwealth, since the first sitting of this Parliament unto the 1st of *June* 1642. Published by Order of the Hon. House of Commons assembled in Parliament, for the Satisfaction of all his Majesty's loving Subjects. 136
- A renowned Speech spoken to the King's most excellent Majesty *May 28*, at the great Assembly of the Gentry and Commonalty of *Yorkshire*, by that most judicious Gentleman Sir *Philip Stapleton*, one of the Committee appointed by the Hon. House of Commons to attend his Majesty's Pleasure, and to give Information to the Members of the said House of all Passages that concern the Good of the King and Kingdom, wherein is declared the great Uncertainty of his Majesty's Undertakings; the said Undertakings not being seconded with the unite Applause and joint Assistance of the whole Kingdom: Likewise describing the manifold and innumerable Dangers that attend Civil Discord

The CONTENTS of the SECOND VOLUME.

- cord and home-bred Contention, showing by Presidents of *York* and *Lancaster*, what cruel Effects such Designs produce both to King and Subject. 152
- A Declaration of Grievances of the Kingdom delivered in Parliament by *John Pym*, Esq; 1642. 154
- The troublesome Life and Reign of King *Henry III.* wherein five Distempers and Maladies are set forth, viz. 1st, By the Pope and Church-mens Extortions. 2d, By the Places of best Trust bestow'd upon unworthy Members. 3d, By Patents and Monopolies for private Favourites. 4th, By needless Expences, and pawning of Jewels. 5th, By Factionous Lords, and ambitious Peers. Suitable to these unhappy Times of ours, and continued with them till the King tied his Actions to the Rules of his great and good Council, and not to passionate and single Advice: Written some Years since by Sir *Robert Cotton*, Knt. and Baronet, that learned Antiquary of this Kingdom; presented to King *James* of ever blessed Memory, 1642. 175
- The Duty of a King in his Royal Office, shewing how it is to be used in the Administration of Justice and politick Government in his Kingdoms: Likewise declaring the true Glory of Kings; the Difference between a King and a Tyrant; the Authority and true Use of Parliaments; the Diseases of the Church and the Remedy; general Advices in behalf of the Church; Parity incompatible with a Monarchy; of the Nobility and their Forms; the laudable Customs of *England*; Admonition for making Wars; the right Extention of King-Craft, &c. Written by the High and Mighty Prince *James*, King of *Great-Britain*, *France* and *Ireland*, Defender of the true ancient Catholick and Apostolick Faith, &c. 188
- The PRINCE, or *Maxims of State*; by Sir *Walter Rawley*, presented to Prince *HENRY*. 213
- The Form of Government of the Kingdom of *England*, collected out of the fundamental Laws and Statutes of this Kingdom, wherein is manifested the customary Uses of the Kings of *England* upon all Occasions, either of Marriage, Peace or War, to call their Peers and Barons of the Realm to be Partners in Treaties, and to give their judicious Advice, the State and Security of the whole Kingdom depending upon such Councils and Determinations; likewise the Names of the Kings, and the Times when such Parliaments were called, and the Acts passed upon these and the like Occasions. 241
- The Petition of Rights, exhibited to his Majesty by the Lords Spiritual and Temporal, and Commons in Parliament assembled, concerning divers Rights and Liberties of the Subjects, with the King's several Answers thereto; with his Majesty's Declaration upon the same. 250
- A worthy Speech of the Earl of *Essex*, at the Head of his Army, before his Arrival at *Worcester*, on *Saturday* the 24th of *September* 1642, wherein is declared every particular Order and Duty which his Excellence expects to be performed both by Commanders and Soldiers. 255
- The Remonstrance of the Commons of *England*, to the House of Commons assembled in Parliament; preferred to them by the Hands of the Speaker. 256
- An Ordinance of the Lords and Commons assembled in Parliament, with Instructions for the taking of the *League* and *Covenant* in the Kingdom of *England* and Dominion of *Wales*; with an Exhortation for the taking of the *Covenant*, and for satisfying such Scruples as may arise thereupon; together with the *League* and *Covenant* subscribed with the Names of so many of the Members of the House of Commons as have taken it; all which are to be read in all Churches and Chapels within the Kingdom of *England* and Dominion of *Wales*. 264
- Mr. *Edward Hyde*'s Speech at a Conference between both Houses, on *Tuesday* *July* 6, 1641, at the Transmission of the several Impeachments against the Lord Chief Baron *Davenport*, Mr. Baron *Trevor*, and Mr. Baron *Weston*. 275
- A

The CONTENTS of the SECOND VOLUME.

- A Speech delivered by the Hon. *William Pierrepont*, second Son to the Earl of *Kingston*, against Sir *Robert Berkley*, Knt. one of the Justices of the King's-Bench, at a Conference of both Houses in the Painted Chamber, July 6, 1641, 280
- Three Speeches made by the King's Excellent Majesty: The 1st, to divers Lords and Colonels in his Majesty's Tent. The 2d, to his Soldiers in the Field. The 3d, to his whole Army, immediatly before the late Battle at *Keinton* near *Banbury*; wherein his Majesty's Resolutions are declared: Being sent to Master *Wallis* in *London*, in a Letter from an eminent Gentleman, Colonel *Weston*, one of his Majesty's Commanders, 1641. 285
- A brief Relation of the Death and Sufferings of the most renowned Prelate the Lord Archbishop of *Canterbury*, with a more perfect Copy of his Speech and other Passages on the Scaffold, than hath been hitherto imprinted. 287
- A Speech of the Lord Archbishop of *Canterbury*, spoken at his Death upon the Scaffold on *Tower-Hill*, January 10, 1644. 297
- The Archbishop's Prayer as he kneeled by the Block. 304
- Horat. Carm. l. 4. Ode 8. 306
- An Impeachment of High Treason exhibited in Parliament against *James Lord Strange*, Son and Heir apparent of *William Earl of Derby*, by the Commons asssembled in Parliament, in the Name of themselves and all the Commons of *England*, with an Order of the Lords and Commons in Parliament, for the apprehending of the said Lord, to be published in all Churches and Chapels, and Market-Towns in the Counties of *Lancaster* and *Chester*. 308
- A Declaration of several Votes and Resolutions agreed upon by both Houses of Parliament, being in all 32, for the Safety of his Majesty's Person, the Defence of the Kingdom, and the Security of both Houses of Parliament and the Privileges thereof; whereunto is annexed, the Votes, at which his Majesty takes Exceptions. 310
- A Remonstrance of divers remarkable Passages concerning the Church and Kingdom of *Ireland*; recommended by Letters from the Right Hon. the Lords Chief Justices and Council of *Ireland*, and presented by *Henry Jones*, Doctor in Divinity, and Agent for the Ministers of the Gospel in that Kingdom, to the Hon. House of Commons in *England*. 313
- Murder will Out*, or the King's Letter, justifying the Marquis of *Antrim*, declaring, that what he did in the *Irish* Rebellion, was by Direction from his Royal Father and Mother for the Service of the Crown. 374
- A true and full Relation of the horrible and hellish Plot of Jesuits, Popish Priests, and other Papists in *Ireland*, for the massacring of the two Chief Justices, and all the Privy-Council, and Protestants in that Kingdom; as it was related by my Lord Keeper in the House of Commons, Nov. 1st, 1641. 378
- A Vindication of the Royal Martyr King *Charles I.* from the *Irish* Massacre in the Year 1641, cast upon him in the Life of *Richard Baxter*, wrote by himself, and since in the Abridgment by *E. Callamy*; being a Case of present Concern; in a Letter to a Member of the House of Commons, 1704. 380
- The *Irish* Massacre set in a clear Light, wherein Mr. *Baxter's* Account of it in the History of his own Life, and the Abridgment thereof, by Dr. *Calamy*, are fully considered, together with two Letters from Mr. *Chandler*, the dissenting Teacher of *Bath*, reviving the aforesaid Account, to the Rev. Mr. *Tho. Cart*, at *Bath*, with the two Replies to Mr. *Chandler*. 390
- A most certain and true Relation of a strange Monster or Serpent, found in the Heart of *John Pennant*, Gent. of the Age of 21 Years, by *Edward May*, Doctor of Philosophy and Physick, and Professor elect of them in the College of the Academy of Noblemen, called the *Musæum Minervæ*; Physician also Extraordinary unto her most sacred Ma-

The CONTENTS of the SECOND VOLUME.

- Majesty Queen of Great Britain, &c. 1639. 423
- Lex Teræ, or Laws of the Land. By Judge *Jenkins*. 441
- An unhappy View of the whole Behaviour of my Lord Duke of *Buckingham* at the *French* Island, called the Island of *Rhee*, discovered by Col. *William Fleetwood*, an unfortunate Commander in that untoward Service, 1648. 465
- Poutefract Castle*: An Account how it was taken. And how Gen. *Rainesborough* was surpris'd in his Quarters at *Doncaster*. 471
- Mr. *Prinne's* Charge against the King: Shewing, That the King's Design, Purpose, and Resolution, his Endeavours, Practice, and Conversation, have always been engaged, byass'd, and tended to settle, establish, confirm Popery, Tyranny and Slavery, in, among, over his Dominions, Subjects, People, and in order to that Design, End, and Purpose, he writ to the Pope of *Rome*, styling him *His Most Holy Father, Catholick Majesty, Thrice Honoured Lord and Father*: Engaging himself to the said Pope, to endeavour to settle the Popish Religion only in his Dominions; and since his coming to the Crown hath extended extraordinary Favours upon, and Protection of notorious Papists, Priests and Jesuites, against all Prosecution of Laws enacted against them, notwithstanding all his Protestations to the contrary, hath rais'd up a most horrid, unnatural, and bloody War; arming his Roman Catholick Subjects to Massacre, Plunder, Torture, Imprison, Ruin, his loyal, faithful, pious, Protestant Subjects; to burn, sack and spoil their Cities, Towns and Villages: Collected from the Books written by *William Prynne*, Esq; Being but a very small Taste from that main Ocean, of that which he hath written concerning the King, and his ill Behaviour, since his coming to the Crown; as also with References unto clear, satisfactory, convincing Answers unto several Objections concerning resisting, censuring, suspending, depriving Kings for their Tyranny, yea capitally proceeding against them, by the said Author, 1648. 478
- A perfect Narrative of the whole Proceedings of the High Court of Justice in the Tryal of the King in *Westminster-Hall*, on *Saturday* the 20th, and *Monday* the 22d. of *January*, with the several Speeches of the King, Lord President, and Solicitor General. Published by Authority to prevent false and impertinent Relations. Printed *January* 23, 1648. 485
- A perfect Tryal and Confession of the Earl of *Derby*, at a Court-marshal holden at *Chester* the 1st of *October*, 1651, by vertue of a Commission from his Excellency the Lord General *Cromwell*; with his Speech and Plea in Defence of his Life, delivered at the Bar; and his Sentence to be beheaded in the Market-Place at *Boulton* in *Lancashire*, on *Wednesday* next; his Letter to his Lady concerning the same, and the Government of the Island; as also Capt. *Young's* Summons, and her resolute Answer. Likewise the Tryal of Sir *Timothy Fetherstonhaugh*, and his Sentence to be beheaded at *Chester*; and Capt. *Benbow* to be shot at *Shrewsbury*. Together with the Charge of High Treason against Col. *Vaughan*, Lieut. Col. *Jackson*, C. *Massey*, Mr. *Drake*, Mr. *Cafe*, Mr. *Jackson*, and Mr. *Jenkins*; with the Parliament's Directions to the High Court of Justice for their Tryal this present *Friday*. 503
- The true Speech delivered on the Scaffold by *James* Earl of *Derby*, in the Market-Place at *Boulton* in *Lancashire*, on *Wednesday* last, being the 15th of *October*, 1651; with the manner of his Deportment and Carriage on the Scaffold; his Speech concerning the King of *Scots*, and his Prayer immediately before his Head was severed from his Body; as also his Declaration and Desires to the People. Likewise the manner how the King of *Scots* took Shipping at *Gravesend*, on the 4th of *October*, with Capt. *Hind*, disguised in Seaman's Apparel, and safely arrived at the *Hague* in *Holland*. Published by Authority. 507

A SECOND
COLLECTION
OF
TREATS,

Two **SPEECHES** made by **JOHN PYMM** Esquire; the one after the Articles of the Charge against the Earle of **STRAFFORD** were read. The other after the Articles of the Charge against Sir **GEORGE RATCLIFFE** were read.

Mr. **PYM**'s **SPEECH** made the 25th of **NOVEMB. 1640**; After the Articles of the Charge against the Earle of **STRAFFORD** were read. Quoted by **RUSHWORTH**, Page 10, but not inserted by him.

My LORDS,

THESE Articles have exprest the Character of a great and dangerous Treason; such a one as is advanced to the highest degree of malice and of mischief: it is enlarged beyond the limits of any description or definition: it is so hainous in it selfe, as that it is capable of no aggravation: a Treason against God betraying his Truth and worship; against the King, obscuring the glory, and weakning the foundation of his Throne; against the Common-wealth, by destroying the Principles of safetie and prosperitie. Other Treasons are against the Rule of the Law; this is against the being of the Law: It is the Law that unites the King and his People; and the Author of this Treason hath endeavored to dissolve that Union; even to breake the mutuall, irreversall, indissoluble band of protection and Allegiance, whereby they are, and I hope ever will bee bound together.

2 *A Second Collection of* TRACTS.

If this Treason had taken effect, our soules had beene intralled to the spirituall Tyranny of Satan; our Consciences to the Ecclesiasticall Tyranny of the Pope; our Lives, our Persons and Estates, to the Civill Tyranny of an arbitrary, unlimited, confused Government.

Treason in the least degree, is an odious and a horrid Crime: other Treasons are particular; if a Fort be betrayed, or an Army, or any other treasonable fact committed, the Kingdome may out-live any of these: this Treason would have dissolved the frame and being of the common-wealth; it is an Universall, a Catholike Treason; the venome and malignity of all other Treasons, are abstracted, digested, sublimated into this.

The Law of this Kingdome makes the King to bee the fountaine of Iustice, of peace, of protection; therefore we say, the Kings Courts, the Kings Judges, the Kings Lawes: the Royall Power and Majestie shines upon us in every publique blessing and benefit we enjoy: but the Author of this Treason would make him the fountaine of Injustice, of confusion, of publique misery and Calamitie.

The Gentiles by the light of Nature had some obscure apprehensions of the Deity, of which they made this expresseion that hee was *Deus optimus maximus*, an infinite goodnesse, and an infinite greatnesse. All soveraigne Princes have som Characters of Divinity imprinted on them; they are set up in their dominions to bee *Optimi Maximi*, that they should exercise a goodnesse proportionable to their greatnesse.

That Law terme, *Læsa Majestas*, whereby they expresse that which we call Treason, was never more thorowly fulfilled then now: there cannot bee a greater læsion or diminution of Majesty then to bereave a King of the glory of his goodnes. It is goodnes (my Lords) that can produce not only to his people, but likewise to himself honour and happines. There are Principalties, Thrones and Dominions amongst the Divels; greatnesse enough; but being incapable of goodnesse, they are made incapable both of honour and happinesse.

The Lawes of this Kingdome have invested the Royall Crowne with Power sufficient for the manifestation of his goodnesse and of his greatnes: if more be required, it is like to have no other effects but povertie, weaknesse, and miserie, whereof of late we have had very wofull experience. It is farre from the Commons to desire any abridgement of those great Prerogatives which belong to the King; they know that their owne Libertie and Peace are preserved and secured by his Prerogative, and they will alwaies be ready to support and supply his Majestie with their lives and fortunes for the maintenance of his just and lawfull power.

This (My Lords) is in all our thoughts, in our prayers, and I hope will so be manifested in our endeavours; that if the proceedings of this *Parliament* be not interrupted as others have bin, the King may within a few moneths be put into a cleere way, of as much greatnes, plentie and glory as any of his Royall Auncestors have enjoyed.

A King and his people make one Body: the inferiour parts conferre nourishment and strength, the superiour sence and motion: If there bee an interruption

interruption of this necessary intercourse of blood and spirits, the whole Bodie must needs bee subject to decay and distemper: Therefore obstructions are first to be removed before Restoratives can be applied: This (My Lords) is the end of this Accusation, whereby the Commons seeke to remove this person whom they conceive to have bin a great Cause of the obstructions betwixt his Majestie and his People: for the effecting whereof they have commanded mee to desire your Lordship that their proceedings against him may bee put into as speedie a way of dispatch, as the Courtes of *Parliaments* will allow.

First, that he may be called to answere, and they may have Libertie to replie, that there may bee a quick and secret examination of witnesses: and they may from time to time be acquainted with the depositions: that so when the cause shall bee ripe for Judgment: they may collect the severall Examinations and represent to your Lordships in one entire Bodie the state of the proofes; as now by mee they have presented to you the state of the charge.

Mr. PYMS SPEECH made the 31 of DECEMBER, 1640;
After the Articles of the Charge against Sir GEORGE RATCLIFFE were read.

My LORDS,

BY hearing this Charge, your *Lordships* may perceive what neere coniunction there is betweene this Cause and the *Earle* of STRAFFORDS: the Materials are (for the most part) the same in both: the offences of the *Earle* moving from a higher Orb, are more comprehensive; they extend both to *England* and *Ireland*; these (except in one particular of reducing *England* by the *Irish* Army) are confined within one Kingdome; the *Earle* is charged as an Author, Sir GEO: RATCLIFFE as an Instrument and subordinate Actor.

The Influences of superiour Planets are often augmented and inforced, but seldome mitigated by the concurrence of the inferiour, where merit doth arise not from well-doing, but from ill; the officiousnesse of ministers will rather adde to the malignitie of their instructions, then diminish it, that so they may more fully ingratiate themselves with those upon whom they depend.

In the Crimes committed by the *Earle*, there appears more haughtines, and fierceness, being acted by his owne principles: those motions are ever strongest, which are neere the *Primum mobile*. But in those of Sir GEO: RATCLIFFE there seemes to be more basenesse and servility having resigned and subjected himselfe to bee acted by the corrupt will of another.

The *Earle* of STRAFFORD hath not beene bred in the study and practise of the Law and having stronger lusts and passions to incite, and lesse knowledge to restraine him, might more easily bee transported from the Rule, Sir GEORGE RATCLIFFE in his naturall temper and disposition more moderate, and by his education and profession better acquainted with the grounds

and directions of the Law, was carried into his offences by a more immediate Concurrence of will, and a more corrupt suppression of his owne Reason and judgment.

My Lords, as both these have bin partners in offending; so it is the desire of the Commons they may be put under such triall and examination and other proceedings of justice, as may bring them to partake in a deserved punishment, for the safety and good of both Kingdomes.

THE SPEECH of THOMAS WENTWORTH, late Earle of STRAFFORD, and Deaputy of IRELAND, in the TOWER, to the LORDS before he went to Execution.

RIGHT Honourable, and the rest, you are now come to convey me to my death, I am willing to dye, which is a thing no more than all our Predecessors have done, and a debt that our Posterity must in their due time discharge, which since it can be no way avoyded, it ought the lesse to be feared; for that which is common to all, ought not to be intollerable to any: It is the Law of Nature, the tribute of the flesh, a remedy from all worldly cares and troubles; and to the truly penitent, a perfect path to blessednesse. And there is but one death, though severall wayes unto it: mine is not naturall, but enforced by the Law and Justice: It hath beene said that the Lawes vex only the meaner sort of people, but the mightie are able to withstand them: it is not so with mee, for to the Law I submit myselfe, and confesse that I receive nothing but justice: for he that politikly intendeth good to a Common weale, may be called a just man, but he that practiseth either for his own profit, or any other sinister ends, may bee well termed a delinquent person; neither is delay in punishment any priviledge for pardon. And moreover, I ingenuously confesse with *Cicero*, That the death of the bad is the safety of the good that be alive.

Let no man trust either in the favour of his Prince, the friendship and consanguinity of his Peers, much lesse in his owne wisdom and knowledge, of which I ingenuously confesse I have beene too confident, Kings, as they are men before God, so they are Gods before men, and I may say with a great man once in this Kingdome, *Had I strived to obey my God as faithfully, as I sought to honour my King diligently, I had stood, and not fallen.* Most happy and fortunate is that Prince, who is as much for his justice feared, as for his goodnesse beloved: For the greater that Princes are in power above other, the more they ought in vertue to excell other; and such is the Royall Sovereigne whom I late served.

For my Peers, the correspondence that I had with them during my prosperity, was to me very delightfull and pleasing, and here they have commiserated my ruine, I have plentifully found, who (for the most generous of them) I may boldly say, though they have detested the fact, yet they have pitied the person

person delinquent; the first in their loyalty, the last in their Charity: ingenuously confessing, that never any subject, or Peere of my rank, had ever that helpe of Counsell, that benefit of time, or a more free and legall tryall than I have had: in the like whereof, none of my precessors hath had so much favour from his Prince, so much sufferance from the people; in which I comprehend the understanding Commons, not the many headed monster, Multitude; But I have offended, am sentenced, and must now suffer.

And for my too much confidence in my supposed wisdom and knowledge, therein have bin the most deceived: for he is wise to himselfe, that knowes by others faults to correct his owne offences: to be truly wise is to be Secretaries to our selves; for it is meere folly to reveale our intimate thoughts to strangers: wisdom is the most precious Gem with which the mind can bee adorned, and learning the most famous thing for which a man ought to be esteemed, and true wisdom teacheth us to do well, as to speake well: in the first I have failed, for *the wisdom of man is foolishnesse with God.*

For knowledge, it is a thing indifferent both to good and evill, but the best knowledge is for a man to know himselfe; hee that doth so shall esteeme of himselfe but little, for he considereth from whence he came, and whereto he must go, he regardeth not the vain pleasures of this life, he exalteth God, and strives to live in his feare; but he that knoweth not himselfe, is wilfull in his owne wayes, unprofitable in his life, unfortunate in his death, and so am I. But the reason why I fought to attaine unto it, was this: I have read that he that knoweth not that which he ought to know, is a Bruit beast amongst men; he that knoweth more than he ought to know, is a man amongst beasts: but he that knoweth all that may be known, is a God amongst men. To this I much aspired, in this I much failed; *Vanity of vanities, all is but vanity.*

I have heard the people clamour and cry out, saying, That through my occasion the times are bad, I wish that when I am dead they may prove better: most true it is, that there is at this time a great storme impending (God in his mercy avert it.) And since it is my particular lot, like *Jonah*, to be cast into the sea, I shall thinke my life well spent, to appease Gods wrath, and fatisfie the peoples malice.

O what is eloquence more than aire? fashioned with an articulate and distinct sound, when it is a speciall vertue to speake little and well, and silence is oft the best oratory; for fooles in their dumbnesse may be accounted wise: It hath power to make a good matter seeme bad, and a bad cause appeare good: but mine was to me unprofitable, and like the Cypresse trees, which are great and tall, but altogether without fruit.

What is honour? but the first step to disquietnesse, and power is still waited on by envie, neither hath it any priviledge against infamy. It is held to be the chiefe part of honour, for a man to joine to his office and calling, curtesie and affability, commiseration and pity: for thereby he draweth to him with a kind of compulsion, the hearts of the multitude. But that was the least part of my study, which now makes me call to mind, that the greater the persons are in authoritie, the sooner they are catcht in any delinquency,
and

and their smallest crimes are thought to be Capitall, the smallest spot seems great in the finest linnen, and the least flaw is soonest found in the richest Diamond. But high and Noble spirits finding themselves wounded, grieve not so much at their own paine and perplexitie, as at the derision and scoffs of their enemy: but for mine own part, though I might have many in my life, I hope to find none in my death.

Amongst other things which pollute and contaminate the minds of great spirits, there is none more heinous than Ambition, which is seldome unaccompanied with Avarice: Such to possesse their ends, care not to violate the Lawes of Religion, and Reason, and to breake the bonds of Modesty and equity, with the nearest ties of Consanguinity, and Amity; of which as I have bin guilty, so I crave at Gods hands forgiveness. It is a Maxime in Philosophy, that ambitious men can be never good Counsellours to Princes; the desire of having more is common to great Lords and a desire of Rule, a great cause of their Ruine.

My Lords, I am now the hopelesse President, may I be to you all an happy example: For Ambition devoureth gold, and drinketh bloud, and climbeth so high by other mens heads, that at the length in the fall it breaketh its own neck: therefore it is better to live in humble content, than in high care and trouble: For more precious is want with honesty, than wealth with infamy: For what are we but meere Vapours, which in a serene Element ascend high, and upon an instant, like Smoake vanish into nothing: or like ships without Pilots, tost up and downe upon the Seas by contrary winds and tempests. But the good husbandman thinkes better of those eares of Corne, which bow down, and grow crooked, than those which are straight and upright, because he is assured to finde more store of graine in the one than in the other. This all men know, yet of this, how few make use: The defect whereof must be now my paine: may my suffering prove to others profit.

For what hath now the favour of my Prince, the familiarity with my Peeres, the volubility of a tongue, the strength of my memory, my learning, or knowledge, my honours, or Offices, my power, and potency, my riches, and treasure, (all these the speciall gifts, both of Nature, and Fortune) what have all these profited me? Blessings I acknowledge, though by God bestowed upon man, yet not all of them together upon many: yet by the divine providence, the most of them met in me: of which had I made happy use I might still have flourisht, who now am forc'd immaturally to fall.

I now could wish, (but that *utinam* is too late) that God with his outward goodnes towards me had so commixed his inward grace, that I had chused the *medium* path, neither inclining to the right hand, nor deviating to the left; but like *Icarus* with my waxen wings, fearing by too low a flight to moysten them with the Waves: I soared too high, and too near the Sun, by which they being melted; I ayming at the highest, am precipitated to the lowest: and am made a wretched prey to the Waters: But I who before built my house upon the sand, have now fetled my hopes upon the Rock my Saviour.

A Second Collection of TRACTS.

viour: by whose only merits my sole trust is, that whatsoever becomes of my body, yet in this bosome my soule may be Sanctuaried.

Nimrod would have built a Tower to reach up to Heaven, and cald it *Babel*; but God turned it to the confusion of Languages, and dissipation of the people. *Pharaoh* kept the Children of *Israel* in Bondage and after having freed them, in his great pride would have made them his prey; but God gave them a dry and miraculous passage, and *Pharaoh* and his hoast a watry Sepulcher. *Belshazzar* feasted his Princes and Prostitutes, who drunke healths in the Vessels taken from the Temple, but the hand of God writ upon the wall, *Mene. Tekel. Phoras*, and that night before morning was both his kingdom and life taken from him: Thus God lets men goe on a great while in their owne devices, but in the end it proves their own ruine and destruction, never suffering them to effect their desired purposes: therefore let none presume upon his power, glory in his greatnesse, or be too confident in his riches: These things were written for our Instruction, of which the living may make use, the dying cannot; but wit and unfruitfull wisdom are the next neighbours to folly.

There can be no greater vanity in the world, than to esteeme the world, which regardeth no man; and to make slight account of God who greatly respecteth all men; and there can be no greater folly in man, than by much Travell to increase his goods, and pamper his body, and in the interim with vaine delights and pleasures, to lose his soule. It is a great folly in any man to attempt a bad beginning, in hope of good ending; and to make that proper to one, which was before common to all, is meere indiscretion, and the beginning of discord, which I positively wish may end in this my punishment.

O how small a proportion of earth will containe my body, when my high minde could not be confined within the spacious compasse of two Kingdoms? But my houre draweth on, and I conclude with the Psalmist, not ayming at any one man in particular, but speaking for all in general: *How long will you Judges be corrupted? how long will yee cease to give true Judgement? &c. Blessed is the man that doth not walke in the Councell of the wicked, nor stand in the way of sinners, nor sit in the seat of the scornfull, therefore they shall not stand in the Iudgment, nor sinners in the assembly of the righteous, &c.*

About the houre of 12 a Clocke the aforesaid Lord of *Strafford* was conveyed to the Scaffold on Tower-Hill, where was a Court of Guard made by the severall Companies of Souldiers of the City of *London*, and the hamlets of the Tower on each side as he passed to the Scaffold: before marched the Marshalls men to make way, then the Sheriffes of *Londons* Officers with their Halberds; after them the Kings Guard, or warders of the Tower; Next came one of his Gentlemen, bare headed, in mourning Habit, the Lord *Strafford* following him clad in blacke cloath, with divers others in the same habit, which were his attendance; then the Lord Bishop of *Armagh*, and other good Divines; with the Sheriffes of *London*, and divers honourable parsonages.

when

when he came to the Scaffold, he there shewed himselfe on each side in full view to all people, and made a short speech, with as much alacrity of Spirit, as a mortal man could expresse.

(See the Speech in Vol. IV. Page 448, of the First Collection.)

On ending which Speech, turning himselfe about, he saluted all the Noblemen, and took a solemne leave of all considerable persons on the Scaffold, giving them his hand.

And after that he said, Gentlemen, I would say my prayers, and I entreat you all to pray with me, and for me: then his Chaplaine laid the booke of Common Praier upon the chaire before him, as he kneeled down, on which he praied almost a quarter of an houre, then he prayed as long or longer without a booke, and ended the Lords prayer; then standing up he spies his brother, Sir George Wentworth, and calls him to him, and saith; Brother, We must part, *Remember me to my SISTER, and to my WIFE, and carry my blessing to my eldest Son, and charge him from me, that he feare God, and continue an obedient son of the Church of England, that he should approve himselfe a faithful subject to the King, and tell him that he should not have any private grudge or revenge towards any concerning me, and bid him beware that he meddle not with Church-livings, for that will prove a moth and Canker to him in his estate; and wish him to content himselfe to be a servant to his Country, as a Justice of Peace in his County, and not aiming at higher preferments: carry my blessing also to my daughters, ANNE and ARABELLA, charge them to feare and serve God, and he will blesse them, not forgetting my little infant, that yet knowes neither good nor evill, and cannot speak for it selfe, God spake for it and blesse it.* Then said he, *Now I have nigh done, one stroke will make my wife Husbandleffe, my deare Children fatherlesse, and my poore servants masterlesse, and separate me from my deare brother and all my friends, but let God be to you and them all in all.*

After that, going to take off his doublet, and to make himself ready, he said, *I thanke God I am no more afraid of death, nor daunted with any discouragement rising from any feares, but doe as cheerefully put off my doublet at this time, as ever I did when I went to bed.* Then he put off his doublet, and wound up his haire with his hands, and put on a white Cap.

Then he called, Where is the man that should do this last office (meaning the Executioner) call him to me. When he came and askt him forgiveness, he told him he forgave him and all the world. Then kneeling downe by the block, he went to prayer again himselfe, the Bishop of Armagh kneeling on the one side, and the Minister on the other; to the which Minister after prayer, he turned himselfe, and spoke some few words softly, having his hands lifted up: this Minister closed his hands with his; then bowing himselfe to the earth, to lay his head on the block, he told the Executioner that he would first lay down his head to try the fitnessse of the blocke, and take it up againe, before he would lay it downe for good and all, and so he did: and before he laid it downe again, he told the Executioner that he would give him warning when to strike, by stretching forth his hands; and then laid downe his necke on the blocke, stretching out his hands, the Executioner struck off his head

at one blow, then took the head up in his hands, and shewed it to all the people, and said, *God save the King.* Amen.

A LETTER sent unto a great Lady, and lately discovered by a strange accident, MAY the 4. 1641.

Madam :

ALTHOUGH there be some discovery made knowne, yet what is intended is made secure; wherefore you must procure two thousand pound speedily; for no danger lets difficultie to compasse it, if you keep secret: Remember your oath, for we shall slay the Beast with many heads, and destroy the Devils brood before they dreame or mistrust. Burne the letter you have received, your reward shall be in Heaven.

The 5. Psalme he chose to read upon the Scaffold, at his death.

Ponder my words, O Lord: consider my meditation.

2 O hearken thou unto the voyce of my calling, my King, and my God: for unto thee will I make my prayer.

3 My voyce shalt thou heare betimes, O Lord: early in the morning will I direct my prayer unto thee, and will look up.

4 For thou art the God that hast no pleasure in wickednesse: neither shall any evill dwell with thee.

5 Such as be foolish shall not stand in thy fight: for thou hatest all them that work vanitie.

And so he read forwards to the end of the Psalme.

An Ellegy written by himselfe a little before his death.

Farewell vain world, farewell my fleeting joyes
Whose best of musick's but an Echo's noyse,
And all the lustre of your painted light
But as dull dreams and fancies of the night.
Empty your pleasures too, nor can they last
Longer then ayre-puff bubbles, or a blast.
Farewell ye fading Honours, which do blinde,
By your false mists the sharpest sighted minde,
And having rais'd him to his height of cares,
Tumble him headlong downe the slippery staires.

A Second Collection of TRACTS.

How shall I praise or prise your glorious ills,
 Which are but poison put in golden pills.
 Farewell my blustering titles ne're come backe,
 You've sweld my sailes untill my mastings cracke,
 And made my Vessell reele against the rocks
 Of gaping ruine, whose destructive knocks
 Hath helplesse left me, sinking, here to lye:
 The cause? I rais'd my main-top sailes too high.
 Farewell Ambition (since we needs must part)
 Thou great Incantresse of mans greater heart:
 Thy guilded titles that do seeme so faire,
 Are but like meteors hanging in the aire:
 In whose false splendor, falling thence, is found
 No worth, but water-like shed on the ground.
 Farewell the Glory, from which all the rest
 Derive the sweets for which men stile them blest,
 That from one root in severall branches spring,
 I meane, the favour of my gracious King:
 This too, hath led my wandering soule astray,
 Like Ignis Fatuus, from its righter way.
 Farewell my Friends, I need not bid you goe;
 When Fortune flies, you freely will do so.
 Worship the rising, not the setting Sun.
 The House is falling; Vermin quickly run.
 Bees do from off the wither'd flowers make haste;
 The reason is, Because th'ave lost their taste.
 Farewell the treasures of my tempting store,
 Which of all Idolls, least I did adore:
 Haste to some Ideots Coffe, and bee'l bee
 Thy slave, as I have master been to thee.
 Heaven knowes, of all the Suitors that I had,
 I least priz'd thee, as counting none so bad.
 Last; to my Foes farewell: for such I have,
 Who do in multitudes wait for my grave;
 'Mongst which I can't believe but some there bee
 That hate my vices only, and not me:
 Let them passe o're my fame without a blot,
 And let the Vulgar scratch they know not what.
 Let them besmeare me by the chattering notes
 (Poor silly hearts) which echo through their throates;
 Ple passe it o're, and pray (with patience too)
 Father forgive; they know not what they doe.
 Yet O: I could have woo'd my treacherous Fate
 T' have let me died without the publique hate.

F I N I S.

The

The Petition Of the Earle of STRAFFORD unto the Lords Spirituall and Temporall, in this present Parliament assembled, before he dyed.

Right Honourable.

THe humble Petition of Thomas Earle of Strafford. Sheweth that seeing it is the good will and pleasure of God that your Petitioner is now shortly to pay that duty which we all owe to our fraile Nature; He shall in all Christian Patience and Charity confirme and submit himselfe to your Iustice, in a comfortable assurance of the great Hope, laid up for us in the Mercy and Merits of our Saviour blessed for ever.

Only he humbly craves, to returne your Lordships most humble thanks for your Noble Compassion towards those innocent Children; whom now with his last blessing he must commit to the protection of Almighty God, beseeching your Lordships to finish your Pious intentions towards them: And desiring that the reward thereof may be fulfill'd in you, by him that is able to give above all we are able either to ask or thinke. Wherein I trust the Honourable House of Commons will afford their Chrystian assistance.

And so beseeching your Lord-ships charitably to forgive all his Omissions and infirmities, he doth very heartily recommend Your Lordships to the Mercies of Our Heavenly Father, and that for his goodnes he may perfect you in every good worke. Amen.

THO. WENTWORTH.

To the right Honourable the Lords Spirituall and Temporall in the high Court of Parliament assembled,

The humble Petition of THOMAS Earle of STRAFFORD his Majesties Lievtenant General of IRELAND.

Most humbly sheweth,

THat in obedience to your Lordships order, and in due respect and acknowledgment of your noble justice you vouchsafed this your Petitioner the other day, he now expresth in writing that humble request that he then made, concerning the examining of witnesses; which, with your Lordships favor, was this,

1 That there might be no admission of any examination of witnesses in the cause, till your Petitioner hath put in his answer to the charge of Treason, exhibited against him.

2 That after answer, no witnesses should be examined, before your Petitioner had the names of such witnesses delivered unto him by your Lordships order,

order, to the intent (as by his Councell he should be advised) he might either except against such witnesses, or crosse-examine them.

3 That before either of these two points should be over-ruled against your Petitioner, your Lordships would be honorably pleased to heare him by his Councell, at the Barre, to shew cause why he humbly conceives his desires herein to be just and reasonable.

Finally, your Petitioner humbly craves your Lordships remission, if his Petition be not so formall as it ought, and might be, had he the help of Councell: And shall ever with all expression of duty and thankfulnesse, retaine in full memory your Lordships most honourable Justice, and noble respects to your Petitioner the other day; and pay your Lordships the duties of this whole life for the same; and alwayes, and unfainedly pray for your most noble Lordships increafe of all everlasting honour and happinesse.

Sir JOHN EVELIN his Report from the Committee appointed to confider of the Printing of the Lord DIGBYES SPEECH concerning the Bill of Attainder of the Earle of STRAFFORD. Whereunto is added, the Order for the burning the said Speech. Written by the printed Coppie. Printed Anno Dom. 1641.

Die Martis 13 July 1641.

Resolved upon the Question,

THAT the matter of my Lord Digbyes shall be first taken into consideration.

Resolved, &c.

That the Lord Digbyes speech spoken at the passing of the Bill of Attainder of the Earle of *Strafford* conteyneth in it matter untrue and scandalous, as they have reference to the proceedings of the Committees of the Lords House, and to the Committees of this House, and to the evidence of the Witnesses produced in that cause.

Resolved, &c.

That the publishing that speech by the Lord Digbye, after a Vote past in this House upon the said bill, and offence taken to it, and the same questioned in the House is scandalous to the proceedings of this House and a Crime.

Resolved, &c.

That the publishing and printing of the speech spoken by the Lord Digbye at the passing the Bill of Attainder of the Earle of *Strafford* is scandalous to the proceedings of his Matie and both Houses of Parliamen.

Resolved,

Resolved, &c.

That Sir *Lewis Dives*, and *John Moore* are both delinquents in the publishing and Printing of the said speech of the Lord *Digbyes*.

Resolved, &c.

That *Thomas Purflow* the Printer of the said speech is a Delinquent in printing of it.

Resolved, &c.

That this Booke thus printed, deserves the brand of this House and shall be burnt publicly by the hand of the Common Hangman.

Resolved, &c.

That those Bookes shall be burnt on Friday next, some in the new Pallace at *Westminster*, some in *Cheapside*, and some in *Smythfield*. And Orders to this purpose are to be sent, to the Bailiff of *Westminster*, the Sheriffs of *London* and *Middlesex* respectively to see them burnt accordingly, and the Stationers and all others are required to bring in the Bookes, that they may be all burnt.

Resolved, &c.

That a Committee shall be appointed to prepare these Votes that concerne the Lo. *Digby*, to be transmitted to the Lords and to present them so prepared to this House.

Die Martis 13^o Julij 1641.

WHEREAS on the one and Twentieth of *Aprill* last past, there was a speech spoken in the House of Commons at the passing of the Bill of Attainder, against *Thomas Earle of Strafford* by the Lord *Digby* then a Member of the said House: the which speech conteyned in it matters untrue and scandalous as they have reference to the Proceedings of the Committees of the Lords House and this and to the evidence of the witnesses produced in that cause, and whereas the said speech was published by the Lo. *Digby* after that the said Bill of Attainder was past by vote in this House, and after that great offence was taken to the said speech and the same questioned in this House, to the scandall of the Proceedings in this House: and since is come forth in print, to the scandall of the Proceedings of his Ma^{tie} and both Houses of Parliam^t. It is therefore this day ordered by the said House that all the said Bookes so printed shall be publicly burnt, on Friday next at Ten of the clock in the morning; part of them in the new Pallace yard at *Westminster*, and the other part of them in *Cheapside*, and the rest in *Smithfield* by the hands of the common Hangman. And to this purpose, the Bailiffs of *Westminster*, the Sheriffs of *London* and *Middlesex* respectively, are hereby required to be assistant to the effectuall execution of this order, and see the said Bookes burnt accordingly. And it is also ordered by the said House, That the Master and Wardens of the Company of Stationers doe their

their utmost endeavours to collect all the said Bookes into their Hands, remaining now disperſed amongst their Company, or with others, and forthwith deliver them to one of the Sheriffs of *London* to be burnt accordingly to this order. And all others who have any of the said Bookes in their hands, are hereby required forthwith to deliver them to one of the Sheriffs of *London* or Bailiffe of *Westminster* (as they will undergo the Displeasure of this House in doing the contrary) for to be burnt according to this Order.

HEN. ELSYNG, *Cler. dom. Com.*

F I N I S.

Certain Observations, Collected out of a Treatise, called, *The difference between Christian Subjection, and unchristian Rebellion*; Compiled by that judicious and learned Divine, THO. BILSON, then Warden of WINCHESTER, since Bishop there; necessary in these times to be perused, 1641.

Theophilus the Christian. *Philander* the Jesuite.

Theop. **C**Ases may fall out even in Christian Kingdoms, where the people may plead their right against the Prince, and not be charged with Rebellion.

Phil. As when for example?

Theop. If a Prince should goe about to subject his Kingdome to a foraigne Realme, or change the forme of the Common-wealth from impery to tyranny, or neglect the Lawes established by common consent of Prince and People to execute his owne pleasure; in these and other Cases which might be named; if the Nobles and Commons joyne together to defend their ancient and accustomed liberty, Regiment and Lawes, they may not well be counted Rebels.

Phil. You denied that even now when I did urge it.

Theop. I denied that the Bishops had authority to prescribe Conditions to Kings, when they Crowned them; but I never denied that the People might preserve the foundation, freedome, and forme of their Common-wealth, which they foreprized when they first consented to have a King. I never said that Kingdomes and Common-wealths might not proportion their States as they thought best, by their publique Lawes, which afterwards the Princes themselves may not violate. By superiour powers ordained of God, we understand not onely Princes, but all politicke States and Regiments, somewhere the People, somewhere the Nobles having the same interest to the sword that Princes have in their Kingdomes, and in Kingdomes where Princes beare rule; by the sword we doe not mean the Princes private wil against his Laws; but his precept desired from his awes, & agreeing with his Laws; which though it be wicked, yet it may not be resisted of any Subject with
armed

armed violence. Marry when Princes offer their Subjects not justice but force, and despize all Lawes to practice their lusts; not every nor any private man may take the sword to redresse the Prince; but if the Lawes of the Land appoint the Nobles as next to the King to assist him in doing right, and with-hold him from doing wrong, then they be licensed by mans Law, and so not prohibited by Gods to interpose themselves for the safe-guard of equity and innocence; and by all lawfull and needfull meanes to procure the Prince to be reformed; but in no case deprived, where the Scepter is inherited, &c.

The **KINGS MAJESTIES DEMAND** of the House of **COMMONS**, concerning those Members who were Accused of high Treason, **JAN. 4. 1641.** With Mr. Speakers Reply unto the said Demand. Also the occasion of his Majesties comming to **GUILD-HALL** on **WEDNESDAY**, with the Conference betweene his Majesty and the Lord Major, concerning these present Tumults in the Citie. With his Majesties Speech in **GUILD-HALL**, to the Court of Aldermen and Common Councill of the City of **LONDON.** Whereunto is added an Order or Protestation of the Grand Committees of both Houses of Parliament of **GUILD-HALL**, concerning the protection of the Members of the House of Commons attached of high Treason, and others.

His Majesties comming to the house of Commons:

VPon Tuesday last being the 4. of *Jan.* his Majesty came himselfe in person unto the House of Commons and desired to know the reason why his command concerning those Members whom he had accused of Treason, was disobey'd and withall did demand to have them imprisoned, Vnto which Demand Mr. Speaker thus Replyed.

May it please your most gracious Majestie,

I Hope there are none here of such contumacious and disobedient Spirits, who will any way endeavour to deprive your Majesty of the least Priviledge that shall belong unto your Sacred Person, but with a most vnited affection will labour to propagate and enlarge the extent of your authority. I doe believe that there are none within the number of this Assembly, but very well

well know; that the glory of the Subject consists in the amplitude of the Kings Honours, and Power: It hath pleased your Majesty to accuse some Members of this House, and to attaint them as guilty of Treason against your Royall selfe and this your Kingdomes: Let your Highnesse be pleased to vnderstand that we are so farre from defending those whom your Majesty hath accused, that we will with all severity, Justice will permit, and without respect vnto their persons, examine the truth, and be ready to prosecute the cause so farre as it shall deserve. Onely let your Majesty be pleased to vouchsafe this liberty unto your most Loyall Subjects here now assembled in Parliament. That you would be pleased to accept of such Bayle as the Assembly shall tender unto your Highnesse, which shall be the persons of this whole Assembly, and that those that stand thus accused, may with all convenient speed have their tryall according to the Lawes and Customes of this Kingdome. Let your Highnesse be pleased to vnderstand, that those, who are thus accused desire no delay nor protraction of time, but most seriously beseech your Majesty that they may forthwith be called to give in their answer, and make their defence. For we all know; that by these and the like sudden distractions, the proceedings of the more waighty and serious affayres of this Kingdome are much prohibited and stayed, and we think it most necessary and convenient that all Rubs and stayes should be taken away, that so we may chearfully and speedily proceed, both to the content of your Majesty, and satisfaction to the Subject. I hope your Majesty will be pleased graciously to consider of these Premisses, wherein I hope nothing hath bin spoke either to the prejudice of your Royall authority, or the infringing of your Majesties power and Prerogative.

The occasion of his Majesties comming to Guild-Hall on Wednesday last the fift of Jan. and the Conference between his Majesty, the Lord Mayor, the Court of Aldermen, and the Common Councill.

ON Wednesday last in the morning his Majesty tooke Coach and went from his Pallace of *Whitehall* unto the Tower, and from thence sent unto the Lord Major that he should with the Aldermen and Common Councill of this City attend his Majesty at *Guild-hall*, at 3. of the clock his Majesty that day dined with Alderman *Garrat*, after dinner according to his appointment went to *Guild-hall*, whose comming was attended with great multitudes of people, who stayed in the yard to satisfie their expectation; and to vnderstand the cause of his Majesties meeting at that place.

As soon as his Majesty entred the Hall and had taken possession of the place prepared for him; he moved the Lord Major to satisfy him of the whole cause of the tumultuous risings and uproares of the Citizens, which had much of disquieted the whole Kingdome, and withall telling of late them that his desire was to governe them as King, and not like a Tyrant, endeavouring

vouring rather to winne their obedience by love, then to compell them by feare. The Lord Major Replyed that so farre forth as he could vnderstand the great and generall cause of discontent arose from the distraction and vnsettled state in Religion, that they complayn'd of the pride of the Bishops and the vnsettled forme in Divine Service, that their soules and consciences were much captiuated with innovations brought into the Church, and that the feare of the introduction of the Romish Religion did stirre and move them to this outrage. In fine he told his Majesty that considering this present Parliament had now sate above a whole yeare, yet nothing was concluded of, or enacted to the Reformation of the abuses, with which the Subject was much agrieved whereby in this City especially, but throughout the whole Kingdome generally there was a decay of trading, so that many have bin enforced to leave of their calling, and have by this meanes bin vndone, both themselves and their whole Families. His Majesty at the first hearing of this Relation seemed much troubled, but after some small pause he recollected himselfe, and replyed unto the Lord Major; that all these things should have speedy remedy, that the Citizens should have satisfaction so farre forth as their Demands were reasonable, and withall told them that were there present, that he would referre himselfe and the ordering of all the affayres wholly unto the care, and judgement of the Parliament, withall telling them, that whatsoever they should conclude of that he would ratifie and confirme: No sooner did this Reply come to their eares, who waited in the Yard to vnderstand the conclusion of this Conference, but that they gave a great shoote, and made a loud acclamation of joy, and so departed peaceably vnto their own Houses, as men well satisfied and contented, and so presently after his Majesty, and those who did there attend him took Coach, and went to *White-hall*.

His Majesties Speech at GUILD-HALL to the Court of Aldermen and Common Councill of the City of LONDON, JAN. 5. 1641.

Gentlemen,

I Am come to demand such Prisoners as J have already attainted of high Treason, and doe believe they are shrouded in the City, J hope no good man will keep them from me, their offences are Treason and misdemeanors of a high nature, J desire your louing assistance herein, that they may be brought to a legall triall.

And whereas there are diuers suspitions rayfed that J am a faviourer of the Popish Religion, J doe professe in the name of a King, that J did and ever will, and that to the vtmost of my power, I will be a profecutor of all such as shall any way oppose the Lawes and Statutes of this Kingdome, either Papist or Seperatist, and not onely so, but I will maintaine and defend that true protestant Religion which my father did professe: and J will still continue in, during Life.

VOL. II.

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After which, his Majesty was conducted to Alderman *Garretes* House in Aldermay Church-Yard nere St. *Antholins*, where he was Royally feasted, and after Dinner he was attended with the Lord Major, the Sheriffes and others the Aldermen of the City to his Pallace at Whitehall.

But the Lord Major taking his leaue of his Majesty vpon his returne to his house in London, was most violently assaulted, by a multitude of Rude Citizens and other vncivill women, amongst whom he was much abused, his Chayne broken, which was about his necke, and his Gowne Torne vpon his backe, whereupon the Citizens was rayfed to conduct him home to his house in the old Jewry.

On the next Day being Thursday and the Twelke day, The Grand Committee of both Houses of Parliament repaired to Guild-Hall, where after debate of many perticuler busineses.

It was this day Ordered upon the Question, by the Commons House of Parliament; That if any persons whatsoever, shall come to the Lodgings of any Member of this House, and there doe offer to seale the Trunks, Doores or Papers of any Members of this House, or to seize vpon their Persons; That then such Members shall require the ayd of the Constable to keep such Persons in safe custody, till this House doe give further Order. And this House doth further declare, That if any Person whatsoever, shall offer to arrest or detain the Person of any Member of this House, without first acquainting this House therewith, and receiving further Order from this House: That it is lawfull for such Member or any Person to assist him, and to stand vpon his, and their guard of defence, and to make resistance, according to the Protestation taken to defend the Priviledges of Parliament.

Whereupon Sergeant *Dandy*, a Messenger, and an Officer to his Majesty, was apprehended vpon suspition, of having power and Commission to apprehend any of the fore named Members of the House of Commons, who was brought before the said Grand Committee, to be examined, but vpon extraordinary occasions, he was commanded to attend at Grocers Hall, where the Committees had appointed to meet the next day, in regard the Court at *Guild-hall* was to be kept the next day.

H. Elsyng, Cl. Par. D. Com.

A JUDICIOUS SPEECH made By the Right Honourable the Lord KIMBOLTON, in Parliament, JANUARY 3. 1641. Concerning the Articles of high Treason exhibited against his Lordship, Sir ARTHUR HASLERIG, M. PYM, M. STROUD, M. HOLLIS, and M. HAMPDEN, by His Majesty.

Declaring { 1. *The cause of their Accusation.*
2. *The Authors that procured it.*
3. *The effects likely to follow upon the same.*

M. SPEAKER,

THERE hath already beene so much spoken by the other Gentlemen, concerning this accusation of high treason, even sufficient, as I conceive, to cleare us all that are impeached, that I know not what to say more touching the same: Onely under favour give me leave, to speake what I conceive of the cause of the procuring of this accusation, the Authors that procured it, and of the effects which I perceive will follow upon the same.

M. *Speaker*, It is not long since this Honourable House accused of high Treason the twelve Bishops, for their illegall and trayterous attempt in their petition and protestation against the King and Parliament. These Gentlemen with my selfe and others, having the prosecution of that businesse, and other charges of great Crimes against them committed to our trust, did unanimously with one consent follow the same, bringing to a period our debates and disputes concerning their crimes, what we conceived they were guilty of upon their severall charges, and what guilty of for framing and preferring their petition and protestation to his Majesty, that they were guilty of misprision of treason upon their former accusations, and guilty of high treason upon this their last designe: And these our votes and conclusions (grounded and warranted, not only by the Common lawes of this land, but by divers Acts of Parliament, and presidents) we presented to the whole house for consideration and confirmation of the same by generall vote, with whom we againe agreed by our publique votes, and thereupon they were impeached and committed; this I conceive provoked their malice against us, and was the principall cause of this their plot in drawing an Accusation against us for the same crime of treason, thereby to make us seeme as vile as themselves, and to take away our votes at their triall. And thus I have joynd together both the cause and Authors of this accusation.

The effects I conceive will be dangerous, and cause great trouble in these respects.

1 In turning the Current of the Parliaments proceedings against them upon us, by which devise they shall have further time to put in practice their plots, and bring to perfection their purposes against the Parliament.

2 That being busily imployed concerning this businesse, in their disputes about breach of priviledge of Parliament in illegall accusing the members thereof, in drawing a declaration to his Majestie concerning the same, in appeasing him, by shewing the sincerity and integrity of the Parliament toward his Majestie and other things pertinent thereunto, this high Court may lay aside their proceeding, and avert their purposes touching the Irish affaires, whereby the Rebellion there may increase; and forraigne aide brought to them, to the utter losing of that kingdome.

3 Many feares and troubles will arise in the Citizens concerning this accusation, of desperate and devillish stratagems in agitation, as wel against them as the Parliament by disconsolate and disaffected persons, to the safety and security thereof, causing their continuall watching and guarding by their trained bands, which will bee to them a great charge and molestation.

4 It will incourage ill affected and pernicious Cavaliers, and commanders about Court, to attempt any mischief against both houses of Parliament, or particular members thereof upon the Least opportunity, that shall be offered them, thinking thereby they shall doe the King good service, which otherwise they dare not adventure, to put in practise.

5 And lastly; It will provoke and stir up a dislike of these designs in the hearts of all his Majesties subjects, and disaffection to his sacred person, cause great uproares, and tumults of the Citizens; yea, and I feare a generall insurrection in the kingdome, if not suddainly prevented, which God forbid.

And thus Master Speaker, having nothing more to say concerning these Articles, I humbly crave of this Honourable house, that I may have expedition in my triall, upon the same; and that all things done by this wise Councell may tend to the Honour and glory of Almighty God, the peace and safety of his sacred Majestie and all his kingdomes.

MASTER STROWD his SPEECH in Parliament, on Tuesday the third of JANUARY, in reply to the Articles of High Treason against himselfe, the Lord KIMBOLTON, Master PYM, Sir ARTHUR HASELRIGG, Master HAMPDEN, and Master HOLLISS, Exhibited by his Majestie, wherein he clear-eth himselfe concerning the same. 1642.

Master Speaker.

IT is the saying of the Wise man even of a King, *Solomon* the wisest of all Kings that ever raigned in this earth, that in the countenance of the King is life and death, like to the sonne which by the sending forth of his glorious beames upon the fruits of the earth nourisheth, and causeth the same to fructifie

tifie and grow, gives vigor and strength to all the creatures that lives in and upon the same, and by withdrawing his light being over shaddowed with clouds keepes back the growing and flourishing of the creature, yea and by continuance in that his hidden motion procureth at last the utter withering and perishing thereof.

His gracious Majesty, who is our sonne and comforter at such time as his glorious beames of grace and favour reflect upon his good Subjects, they increase and grow intire and tender affection towards his Majesty, that no distempers or troubles whatsoever can separate betweene him and them. But this our sonne being over-shadowed with clouds, and mists of discontent and disfavour towards the People, causeth them to wander in obscurity and darkness, even ready to faint and dispaire of any designe they take in hand, for the safety and security of his Majesty and his Kingdomes, yea and strikes them as it were with death and utter destruction.

Master Speaker.

I perswade my selfe our gracious Sovereigne in his owne naturall disposition, is altogether bright and comfortable, and that never causeth or retracteth to himselfe any discontent towards his loving Subjects, but by suggestion information, and instigation, of malignant and disaffected spirits, both to the tranquillity and peace of his Majesty and the whole state of this Kingdom.

It is *Master Speaker* the onely pollicy of desperate and evill minded persons, that have beene the onely troublers of our Israell finding themselves in danger (by calling of them to an accompt for their misdeeds and misdemeanours) to be brought to punishment for the same, to cast aspersions upon those faithfull counsellours of the King and State, which strive to prevent their malicious and wicked designs, to overthrow and destroy the same.

It cannot Sir enter into my thoughts that ever his Maiestie of him selfe could haue gone about to interrupt and hinder, the happie proceedings of this his greate and wise counsells whose endeaveours are altogether to maintaine the honour and dignitie, the peace and fastie of his Royal Maiestie and his Kingdomes, by removeing such impediments and hinderances as have hitherto letted the same and the establishing of true religion in this Church Congruent to the doctrine of Christ and his Apostles sett downe and manifested in sacred writt, by accuseing and impeaching the members thereof of high treason, as if they whose hearts are united to their lawfull soveraigne, and by nature bound to the defence and securitie of their Contrie by Covenant with God tyed to the maintenance of his true religion should be the betrayers and destroyers of all together.

These Articles *Master Speaker* exhibited against my selfe and the other gentlemen are I conceive not really intended against us as if we were actually guiltie of the same, but onely to procure our absence from this honourable house that wee may not haue our free votes in the triall of the 12. Bishops accused by whom I verily beleive were these Artickles drawne and onely by their aduice and such as favour their cause were exhibited and I perswade my selfe,

felfe, may we be apprehended and taken from this house upon the same our Tryall, will be by force immediately, to cutt us of although his Majestie no other-wise conceives and is really minded we should legally be proceeded against, of such powerfullnes, are those persons that were the Authors of them.

Master Speaker the Articles if actually guiltie of are many of them, I confesse high treason as to endeavour to subvert the fundamentall lawes to introduce an Arbitrary forme of government to the state actually to levi warr against the King to procure forraigne aide to inuade this Land and the like is Treason I need not speake much to cleare my felfe of these crimes I hope this honourable house will make such a favorable construction of all my actions since I have had the honour to sitt in the same, that it will be manifest to all the world that they have been far with out the compasse of treason either against my King or Country.

And Master Speaker if it shall be conceived by this honourable assembly, as learnedly it hath already been delivered by that worthy Gentleman that last spake, that as members of a Parliament, to agree with the same in all their votes, for the punishment of delinquents, settling of religion, securing of their owne persons by a guard desiring assistance of our brethren in *Scotland*, to suppress the rebellion in *Ireland* be Treason, then I thinke we are all guilty of these Articles, otherwise are wee cleere and innocent of the same.

Master Speaker, I humbly desire of this honourable House, that I may have a speedy tryall upon the same, that as I shall bee found guilty by the Iudgement of this high Court, I may know my sentence, which I shall willingly submit unto; be it to my condemnation, or preservation, wishing and praying with all my heart, that none of these evill and malicious designs in agitation against the Parliament by any malignant persons whatsoever may take effect to hinder the blessed proceedings thereof, but that you may goe one with courage and cheerfulness, to settle all things aright, both in Church and State, for the government thereof in perpetuall peace and tranquillity.

Sir ARTHUR HASLERIGG his SPEECH in Parliament. Whereby, hee cleareth himselfe of the Articles of High Treason, exhibited against Himselfe, the Lord KIMBOLTON, Mr. IOHN PYMM, Mr. HAMPDEN, Mr. STROVD, and Mr. HOLLIS: By his Majestie on TUESDAY the 4th of JANUARY. 1642.

Mr. SPEAKER,

THIS misfortune of mine seems to me at the first exceeding strange, not onely in respect of the Crimes laid to my Charge, but most of all having thereby incurred not only the disfavour but irefull displeasure of his sacred

cred *Majestie*. For the first, knowing the innocency and integrity of my heart, that it is free from any such *Crime*, either in thought, word or deed, against either my gracious *Soveraigne* or my native *Country*, I shall the more easily beare the burthen of the Charge; but to groane under the burthen of a most Pious and Wise *Prince* his displeasure, wounds me fore.

Mr. SPEAKER; I humbly desire so much favour of this Honourable *House* of which I have had the happines to be a Member, to speake something of my Innocence in all these Crimes I am charged withall.

This Honourable House (*Mr. SPEAKER*,) can I hope witnes for me, the manner of my carriage and disposition in any debate or Arguments wherein I have beene one. I hope nothing hath proceeded from me; that can come any wayes within the compasse of Treason.

In all Disputes and Conclusions of any matter by Vote of the House my Vote hath commonly agreed with the Major part then I hope my Vote in *Parliament* being free cannot be Treason.

Mr. SPEAKER; The Articles that are exhibited against me and the other Gentlemen, are of most dangerous and pernicious consequence, if wee should be found guilty of them, which God defend, I would to God these persons that incensed his *Majestie* against us, (which is easily conceived who they are) were as free from *thoughts*, *words* nay *actions* within the limits of Treason) as I hope we shall prove our selves, by Gods blessing.

Mr. SPEAKER; It is alleadged, we have indeavoured to subvert the Fundamentall Lawes of this Land, abridge the KINGS power, and deny his Royall *Prorogatives*. Give me leave, I besceech you, to speake concerning this Article. There is (as I conceive) not two Formes of Government in this Kingdome; there is not two sorts of Fundamentall Lawes: there is but one forme of Government; One sort of Fundamentall Lawes, that is, the Common Lawes of this Land, and Acts Statutes and Ordinances of PARLIAMENT, these two Mr. SPEAKER, depend and hang one upon another, so that they cannot be seperated; and he that subverts the one, breaks and infringes the Priviledges of the other; and he that breakes the Priviledges of the one, subverts the other. Now vnder favour Mr. SPEAKER, to speake freely in *Parliament* (freely called and assembled by his *Majesties* most Royall Authority) to Vote freely in the same, upon the conclusion of any Bill to be made a Law by the whole Consent of PARLIAMENT assented to by his *Majestie*: to agree in Voting with the whole PARLIAMENT against Delinquents and Malefactors in the State, to bring them to condigne punishment for the same: to give my Vote in the *House* for removing evill Councillors from his Sacred *Majestie*, to place loyall and faithfull ones in their Place: To assent with the whole State assembled together in Councell for the setting of peace and tranquillity in the same: To ordaine and enact such wholesome Lawes and Ordinances whereby his *Majesties* good Subjects may be governed in righteousness and good obedience: To Vote with the *House* for redressing the many grievances of the *Common-Wealth*. If these be to subvert the Fundamentall Lawes of the Land, then Mr. *Speaker* am I guilty of this Article in giving my Vote against the Earle of *Strafford*; in Voting those Acts already made and passed by

by his *Majestie*; in Voting against the *Bishops*; in Protesting to maintain the Fundamentall Lawes of the Land, the true *Protestant* Religion, according to the true Doctrine of the Church of *England*. I say then Mr. *Speaker* in this am I guilty of high Treason: but if this be not to subvert the Lawes of the Land; then (as I conceive) am I cleare from being guilty of this *Article*. Which I humbly leave to the consideration of this Honourable *House*.

Under favour (*Mr. SPEAKER*) I come now to the other Articles of the Charge: I will onely recite the substance of them; for they all harpe on one thing: To indeavour to bring in an Arbitrary and tyrannicall Forme of Government: To invite Tumults, and unlawfull resorts of multitudes of People to the *Parliament* to be a colour for our Designes: To raise Forces and Armies in this Land to assist me in my practises: To invite forreign Princes to bring an Army into the Land: To indeavour by Declarations, Proclamations, and otherwise to alienate the hearts of his Majesties loyall Subjects from their lawfull Sovereigne therby to avert their due obedience from him, and having an evill opinion of his sacred Majesty, to side with us, and take our parts to effect our Designes.

Give me leave I beseech you to speak concerning these Crimes: And first Mr. *Speaker* to indeavour to bring in an Arbitrary power and tyrannicall Forme of Government in the Subject, is to deny *Parliamentary proceedings*: To oppose the Lawes enacted by *Parliaments*: To incense his Majestie against *Parliaments*; To protest and petition against the proceedings thereof, is to bring in an Arbitrary forme of Government. But to agree with the *Parliament* being a Member thereof by Vote to make and enact Laws; I conceive this cannot be termed Arbitrary; neither I perswade my selfe can the effects thereof be tyrannicall.

Secondly, concerning the late Tumults about the *House*, I am innocent thereof; neither came they by my invitation or encouragement: I alwayes thought their resorts in that sort were illegall and riotous: I have Voted with this *House* for their suppressing; have assented to all Orders for their appeasing; agreed with the *Parliament* in all things concerning their Petitions and Requests: Then I hope this Honourable *House* will not conceive me guilty of this Crime: if it be one, and granted; yet I conceive far without the limits of Treason for these reasons.

1. They came not with Armes to force any thing to be done in *Parliament*; but humbly by Petition shewed their grievances, and desired redresse therof which is one Priviledge (and one of the greatest) to make their griefes knowne to a *Parliament*, and by them to be relieved.

2 They offered no Assault; but (being assaulted) preserved themselves and departed.

3 The matter of their clamor was not against the King nor any of his Councill: It was not against the Lords, nor *House of Commons*: It was only against Delinquents, against such as had been the greatest oppressors of them.

Thirdly, I come in a word to the other Articles of the Charge which I intend to speake of (under favour) altogether: I pray you who raised any
Army

Army actually in this Land but the trained Bands, which was done by the *Parliament* for the security of their own Persons in the *Kings* absence; and in obedience to his commands at his return home they were discharged, and afterwards againe raised by his Majesties owne Royall Authority. And for inviting or procuring any forreigne Princes to ayd mee with an Army, I am altogether innocent therein; I know of no ayd required but from *Scotland*, which is done by the *Parliament*, my Vote as a Member thereof onely agreeing with them in the same: And that ayd is procured for his Majesties assistance in subduing the Rebellion in *Ireland*, and (as I conceive) for no other purpose. And for the last Article wherewith I am charged, I hope to be cleared by this whole *House* for what Declamations or Proclamations have beene published but by Authority of the *Parliament*, joyn'd with his Majesties most Royall Power and assent thereunto. It is manifest to all People that nothing is published by the *Parliament*; or any of the Members thereof but tendeth to the winning of the hearts of his Majesties Subjects to dutifull obedience and intire love and tender affection towards their gracious Sovereigne. And I dare confidently say, that there is none of his Majesties Subjects that are true Protestants, and well affected to Religion; but upon the least command of his Majesties, will spend their dearest blood in defence of his Sacred Person, his Queen and Princely Issue, of the Laws and Constitutions of this Kingdome, of *Parliaments* and the Rights and Priviledges thereof; of Religion and the Doctrine of the Church of *England*. And therefore I conceive I am far from intending any Treason either against his Majestie or Kingdome. And thus craving pardon for my presumption and humbly thanking this Honourable *House* for their patience, beseeching them to have a good opinion of mee and my Actions, that I may receive such Tryall as to their wisedomes shall seeme meet, with my hearty Prayers for the happy continuance of this *Parliament*; to effect and finish such great matters both in *Church* and State, as may advance Gods glory, settle all things in a right frame for the good Goverment of this Kingdome, and the everlasting peace and tranquillity of his Majesty and all his Kingdomes.



A DISCREET and LEARNED SPEECH: Spoken in the PARLIAMENT, on WEDNESDAY, the 4. of JANUARY, 1641. By Mr. HAMPDEN, Burgesse for BUCKINGHAM. Concerning the Accusation of High Treason, preferred by His Majesty, against himselfe the Lord KIMBOLTON, Sir ARTHUR HASLERIGG, Mr. PYM, Mr. STROWD, Mr. HOLLIS, worthy Members of the House of COMMONS. Therein worthily declaring the difference betwixt a good subject and a bad, and referring his own Triall to the Iudgment of that Honorable Assembly.

Mr. Speaker,

IT is a true saying of the Wise man, that all things happen alike to all men, as well to the good man as to the bad, there is no state or condition whatsoever, either of prosperity or adversity, but all sorts of men are sharers in the same, no man can be discerned truly by the outward appearance, whether he bee a good subject, either to his God, his Prince, or his Countrey, untill he be tryed by the touchstone of loyalty: give me leave I beseech you, to parallell the lives of either sort, that we may in some measure discern truth from falsehood, and in speaking I shall similitize their lives.

First, in Religion towards God. Secondly, in loyalty and due subjection to their Sovereigne, in their affection towards the safety of their Countrey.

First, concerning Religion, the best meanes to discerne between the true and false Religion is, by searching the sacred Writings of the old and new Testament, which is of itself pure, and indited by the Spirit of God, and written by holy men, unspotted in their lives and conversation, and by this sacred Word may we prove whether our Religion bee of God or no, and by looking in this glasse we may discern whether we are in the right way or no.

And looking into the same, I find that by this truth of God, that there is but one God, one Christ, one Faith, one Religion, which is the Gospell of Christ, and the doctrine of the Prophets, and Apostles.

In these two Testaments is contained all things necessary to salvation, if that our Religion doth hang upon this Doctrine, and no other secondary meanes, than is true to which comes nearest the Protestant Religion, which wee professe, as I really and verily believe, and consequently that Religion, which joyneth with this Doctrine of Christ, and his Apostles, the traditions and inventions of men, Prayers to the Virgin *Mary*, Angels, Saints; that useth in the exercise of their Religion, strange and superstitious worshipping, cringing, bowing, creeping to the Altar, using Pictures, Dirges, and such like, cannot be true, but erroneous, nay divelish, and all this is used and maintained in the Church of *Rome*, as necessary as the Scripture to Salvation.

Therefore

Therefore it is a false and Erronious Church, both in Doctrine and discipline, and all other Sects and Schismes, that learns not onely on the Scripture, though never so contrary to the Church of *Rome*, is a false worshipping of God, and not the true Religion. And thus much concerning the Religion, to discerne the truth and falsehood thereof.

2. I come now M. *Speaker* to the 2^d. thing intimated unto you; which was how to discerne in a State betweene good Subjects and bad, by their loyalty and due subjection to their lawfull Sovereigne; in which I shall under favour observe two things.

1. Lawfull subjection to a King in his owne Person, and the Commands, Edicts, and Proclamations, of the Prince and Privie Councell.

Lawfull obedience to the Lawes, Statutes, and Ordinances, made, enacted by the King and the Lords, with the free consent of his great Councell of State assembled in Parliament.

1. For, the first to deny a willing and dutifull obedience to a lawfull Sovereigne and his Privie Councell; for as *Camden* truly saith, the commands of the Lords Privie Councillours, and the Edicts of the Prince is all one, for they are inseparable, the one never without the other, either to defend His Royall Person, and Kingdomes and against the Enemies of the same, either publike or private. Or to defend the ancient priviledges and Prerogatives of the King, pertinent and belonging of right to his Royal Crown and the maintenance of his Honour and Dignity. Or to defend and maintaine true Religion established in the Land, according to the truth of God, is one signe of an evill and bad subject.

2 Secondly, to yeeld obedience to the commands of a King, if against the true Religion, against the Ancient and fundamentall Lawes of the Land, is another signe of an ill Subject.

3 Thirdly, to resist the lawfull power of the King, to raise insurrection against the King, admit him averse in His Religion, to conspire against His Sacred Person, or any wayes to rebell, though commanding things against our Consciences in exercising Religion, or against the Rights, and Priviledges of the Subject, is an absolute signe of a disaffected and traiterous subject. And now having given the signes of discerning evill and disloyall Subjects, I shall only give you in a word or two, the signes of discerning which are loyall and good Subjects, only by turning these three signes already shewed on the contrary side.

1 He that willingly and cheerefully endeavoureth himselfe to obey his Sovereignes commands for the defence of his owne person and Kingdomes, for the defence of true Religion, for the defence of the Laws of his Country, is a loyall and good Subject.

2. To deny obedience to a King, commanding any thing against Gods true Worship and Religion, against the Ancient and Fundamentall Lawes of the Land, in indeavouring to performe the same, is a good Subject.

Not to resist the lawfull and Royall power of the King to raise sedition or Insurrection against his Person, or to set division betweene the King and his good Subjects by rebellion. Although commanding things against consci-

ence, in the exercise of Religion, or against the rights and priviledges of the Subject, but patiently for the same to undergo his Princes displeasure, whether it be to his imprisonment, confiscation of goods, banishment, or any other punishment whatsoever, without murmuring, grudging, or reviling against his Sovereigne or his proceedings, but submitting willingly, and cheerefully himselfe and his cause to Almighty God, is the only signe of an obedient and Loyall Subject.

I come now to the second meanes to know the difference betweene a good Subject and a bad, by their obedience to the Laws, Statutes and ordinances made by the King, with the whole consent of his Parliament. And in this I observe a twofold subjection: In the particular members thereof, dissenting from the generall Votes of the whole Parliament. And secondly, the whole State of the Kingdome to a full Parliament.

1. First I conceive, if any particular member of a Parliament, although his judgement and Vote bee contrary, doe not willingly submit to the rest, is an ill Subject to the King and Country.

And secondly, to resist the Ordinance of the whole State of the Kingdome, either by the stirring up a dislike in the hearts of his Majesties Subjects, of the proceedings of the Parliament. To endeavour by leavying of Armes to compell the King and Parliament to make such lawes as seeme best to them, to deny the power, Authority, and priviledges of Parliament, to cast aspersions upon the same and proceedings; thereby inducing the King to thinke ill of the same, and to be incensed against the same, to procure the untimely dissolution and breaking off of a Parliament, before all things be settled by the same, for the safety and tranquility both of King and State, is an apparant signe of a treacherous and disloyall Subject against his King and Country. And thus having troubled your patience, in shewing the difference betweene true Protestants, and false loyall Subjects and Traytors, in a State or Kingdome; and the meanes how to discern them. I humbly desire my Actions may be compared with either, both as I am a Subject, a Protestant, and a native in this Country; and as I am a member of this present and happy Parliament, and as I shall be found guilty upon these articles exhibited against my selfe, and the other Gentlemen, either a bad or a good Subject to my gracious Sovereigne and Native Country. To receive such sentence upon the same, as this Honorable House shall be conceived, to agree with Law and Justice.

SPEECH

SPEECH Made in PARLIAMENT By Mr. GLYN,
On WEDNESDAY, the 5 of JANUARY, 1641. Concern-
ing the Breaches of the Priviledges thereof, by breaking open
the Chambers Truncks, and Studies of the Six worthy Members
of Parliament, upon their Accusation of high Treason by his
Majesty.

M. Speaker,

WEe sit now upon that grand businesse of the Breaches of
the rights and Priviledges of Parliaments, which are so
many and great, so carefully preserved and defended,
and having in former times severely punished the infringers
thereof, that I had thought and conceived that no subject, of what degree
or dignity soever, would either in their owne persons, or by misinforming
his Majesty concerning the same, would have presumed to have intrenched in
the least measure upon the free liberty, rights, and very beings of Parliaments,
tending to the breach thereof. But Mr. Speaker, I perceive the perverseness
of diverse persons in places of authority, that they dare not onely presume
to provoke his Majesty by their politicke misinformations, but dare attempt
of themselves to resist the lawfull power both of the King, and his High
Court of Parliament.

Mr. *Speaker*, these men notwithstanding they apparantly perceive, that
their wicked practises and malicious designs, cannot take effect according to
their expectation, but are erected and detected as well by his Sacred Majestie
as his Lords, and his whole Counsell dare venture to endeavour, by casting
asperisions, and spreading abroad evill reports; not onely of the Members,
but of the proceedings of the House of Commons, against them and others
of their adherents, and favoers in their wicked and desperate actions and de-
signes, against their lawful Soveraigne, and his Liege people.

I conceive Mr. *Speaker*, did these persons but remember the many presi-
dents, yet extant of the just and deserved punishments, inflicted by former
Parliaments, upon such miscreants, as witnesse the Arch-bishop of *Yorke*, the
Duke of *Suffolke*, Chiefe Justice *Belknap*, and the rest of that conspiracy, in
the raigne of King *Edward* the second, they would have prejudicated to
themselves the like danger would follow upon them, for their evill actions.

Nay Mr. *Speaker*, did these men but consider with themselves, the just
judgements of God, that have immediately lighted upon the nexes of such
as have beene the troublers of Kingdomes and Common-wealth, whereof
they have beene Members, as well recorded in Sacred writ, as of late times
in this Kingdome, yet still in fresh memory, they would have layd their
hands upon their mouthes and hearts, when they went about to speake or
doe any thing, tending to the dishonour of Almighty God, in innovating
of

of his true Religion, corrupting the sincere Doctrine and discipline of Christ and his Apostles; as also any thing tending to the dishonour and perpetuall destruction of his Royall Majestie, (however otherwise they may pretend, the Fundamentall Lawes and liberties of this Kingdom, the rights and priviledges of Parliaments, and the very being thereof) but surely Mr. *Speaker*, they are altogether benumbed and stupified, their consciences dead and cheered, their lives and conversations altogether devoted, to the workes of darkeness and impurity, their desires altogether sensuall, carnall, and divelish, forgetting God, kicking and spurring with malicioufnesse, against all Piety and godlinesse, or else they would never have adventured to practise such things, as it is too manifest they have done.

Mr. *Speaker*, I intend to be briefe in that which I am to speake, concerning the breaches of the Priviledges of Parliament.

First, to informe his Majesty of any proceedings in the House of Commons, upon any busineses whatsoever before they have concluded, finished, and made ready the same to present to his Majesty, for his Royall assent thereunto, is a breach of the priviledges of Parliament. Secondly, to misinforme his Majesty, contrary to the proceedings in Parliament, thereby to incense and provoke him against the same, is a breach of priviledge of Parliament. Thirdly, to cause or procure any information or accusation to be brought or preferred, without the knowledge or consent of the Parliament, into the House against any of the Members thereof, is a breach of priviledge of Parliament. Fourthly, to apprehend any such accused, to imprison their persons to seize upon their goods or estates, to prosecute and proceed against them, to their tryall and judgement, to condemne or execute them upon such accusation, without the consent or advise of the Parliament, is a breach of the priviledges thereof. Fifthly, to endeavour to cast an evill opinion of such members accused, into the hearts of his Majesties loyall Subjects, whereby they disaffecting them, may be ready and willing to put in execution, any command or warrant for their apprehension and imprisonment, is a breach of the priviledges of Parliament. Sixthly, to come in open Parliament for any Officer or Serjeant, to demand and arrest any such Member accused, be it of high Treason or any other Crime whatsoever, without the knowledge of the whole House, is a breach of the priviledges of Parliament. Seventhly, to come to a Parliament sitting in free consultation, assisted and guarded Armed men, and with them bee sitting the House to demand as it were, *Viz.* &c. Armies, such Members accused, is a breach of priviledges of Parliament.

Lastly, to procure to be set forth, or to set forth, under his Majesties name, any Proclamation or Declaration, prohibiting the repaire of such persons accused to the Parliament as Members thereof, and to apprehend them in what place soever, they shall be found without the advice and consent of the whole State assembled, and sitting in free Parliament, is a manifest breach of the priviledges thereof. And this Mr. *Speaker* is all that I have to say, concerning this dayes busineses, humbly leaving the same, to the consideration of this Honourable Assembly.

Mr.

Mr. GRIMSTON his SPEECH, at the Committee sitting at Guild-hall on Thursday the 6. of January 1641. Concerning the breaches of the priviledges of Parliament; by breaking open the Chambers, Studies, and Trunks of the Lord KIMBOLTON, and the rest of the members of the House of Commons, accused by His Majesty of high Treason. Whereupon, The same day there was a declaration agreed upon, and published, for the preservation of their priviledges, and protection of their Members from the like violence for the time to come.

Mr. SPEAKER,

THere is no Courts of Judicature within this Kingdome of England, but have severall rights and priviledges appertaining and belonging unto them: and have such power and authority in the severall jurisdictions of the same, that they may call to an account, prosecute and bring to judgement the infringers and breakers of the same. Of all these Courts there is none, yea put them alltogether, they are not of such power and jurisdiction, but inferiour and subject to the Ordinances and Statutes of the high Court of Parliament.

M. *Speaker*, Of such awfull predominance is the very name of a Parliament to this Nation, that it strikes with terrour and despaire all such evill doers as are malefactors in the State: on the contrary side, it cheares and comforts the drooping Spirits of men groaning under the burthen of tyrannicall oppression inflicted on them unjustly and maliciously by unmercifull and wicked men that have usurped to themselves places and offices of power and authority both in Church and State.

M. *Speaker*, This great and high Court is not only the powerfulest of all other Courts whatsoever, but the prudentest and wisest, made and compacted not onely of men sound in Religion, well learned, but ripe in their judgments, contracted from all parts of this Kingdome, elected and chosen with the free consent of the whole body politique of the Kingdome. This great and high Councell is not onely of such power and wisdom, but endowed and attended with the most and greatest priviledges of all others; yea, so great are the priviledges thereof, that not onely the meanest of his Majesties Subjects, but the greatest personages of the Kingdome are in danger, if infringers of the same, to be called in question and by them punished therefore. Give me leave M. *Speaker*, to speake somewhat of the priviledges in particular, incident and appertaining to this wise Senate; and in speaking thereof, I shall observe these three particulars: first, the rights and priviledges belonging to the same, in the free votes and judicature thereof. Secondly, the rights and priviledges belonging to the power and jurisdiction thereof; and thirdly,

thirdly, the rights and priviledges in the continuance thereof, being freely called and assembled by his Majesties royall authority, not to be dissolved or broken off till all things agitated therein for the good both of Church and Common-wealth, be fully concluded and determined.

First, M. Speaker, concerning the priviledges of a Parliament belonging to the free votes and judicature thereof, I shall observe these particulars: first, to speake freely without interruption or contradiction in any debate, dispute, or argument, upon any businesse agitated in the same being a member thereof, I conceive to be one priviledge of a Parliament.

Secondly, not to be questioned, for any such free dispute, argument, or debate, to be taxed or accused for the same, either during the free sitting thereof, or after, is another priviledge of Parliament.

Thirdly, freely to give vote, judgement, or sentence, upon the reading of any Bill, to be made a law, or any bill, either of Attainder, or other charge against Delinquents and Criminous persons of the State at their triall upon the same, is a third priviledge of Parliament.

Fourthly, to defend and maintain, the free votes, judgements, and sentences of the whole House, by Protestation, Remonstrance, or other Declaration, if not consented unto or opposed by the House of Lords, is a fourth priviledge.

Fifthly, for any member of the House not to be accused of any crime, or impeached for treason by any person whatsoever, during the continuance of the Parliament for things done in the same, without legall accusation and prosecution of any such member by the whole House, is another priviledge of Parliament.

Sixthly, not to be apprehended upon such impeachment, or arrested by any officer, or to have upon such accusation their Chambers, Trunks, and Studies broken open, their bookes and writings seized upon, without consent or warrant of the whole Parliament, is another priviledge of the same. And thus much Mr. Speaker shall suffice to be spoken concerning the priviledges and rites of Parliament, pertinent to the subject, of which I am to speake. I come now to the second thing I proposed to your audience, which was the rites and priviledges belonging to the power and jurisdiction of the Parliament: In which I shall observe these particulars. First, to consult and consider of what lawes are fit to be made and enacted in this kingdome for the good government thereof, is one priviledge belonging to the power and jurisdiction of this High Court.

Secondly, to nullifie and abrogate, repeale, make voide, to ratifie and confirme, establish, and maintaine lawes, statutes, and ordinances, made and enacted by precedent Parliament, by Councels of State, or other Courts of judicature, is a second priviledge pertaining to the power and jurisdiction of the Parliament.

Thirdly, to give subsidies, to raise taxes, to impose loanes and other charges upon the subject, is another priviledge belonging to the power and jurisdiction of the Parliament.

Fourthly,

Fourthly, to accuse or impeach any Incendiaries or Delinquents in this kingdome of any crime notorious, tending to the prejudice of his Majesty or any of his loyall Subjects, whether it be for treason or otherwise, be they members of the Parliament or no, is another priviledge belonging to the power and jurisdiction of the Parliament.

Fifthly, and lastly, to proceed and bring to judgement such persons so accused or impeached for any crime whatsoever, is another priviledge belonging to the power and jurisdiction of this Court, and thus much of the rites and priviledges belonging to the power and jurisdiction of a Parliament.

And now Mr. Speaker, I come to the last things I mentioned to you, concerning the priviledges belonging to the continuance and free sitting till all things be concluded of for the good government both of Church and state, in which I shall also observe these particulars. First, that for a Parliament when freely called and assembled by royall authority, not to be tyed to debate, or argue any one particular businesse appointed by any person whatsoever, is one priviledge belonging to the free continuance of a Parliament.

Secondly, not to break off or dissolve a free Parliament, untill all the grievances and oppressions of all his Majesties loyall subjects bee fully redressed and remedied, is a second priviledge belonging to the continuance of a Parliament.

Thirdly, not to breake off or dissolve a Parliament, till all Incendiaries and Delinquents in the state be brought to condigne punishment for their crimes.

Fourthly and lastly, not to accuse or impeach any member of the Parliament thereby to hinder and interrupt the legall proceedings thereof in the waightry affaires of the Common-wealth, is another priviledge belonging to the continuance of a Parliament.

And thus Master Speaker, having briefly declared unto you the power and jurisdiction of a Parliament above all other Courts of Iudicature in this land, the wisdom and policy of a Parliament above all other Councells, the rights and priviledges of a Parliament, in respect of the free votes and judicature thereof, the power and jurisdiction thereof, and the free continuance thereof; I humbly leave to the consideration of this House, whether the accusation of these Gentlemen accused by his Majesty, and the illegall breaking open upon this their accusation of their Chambers, Trunks, and studies, be not a breach of some of the Priviledges of Parliament which I have mentioned unto you.

MASTER MEYNARD his SPEECH at the Committee
at GUILD HALL in LONDON on Thursday, JANUARY 6.
Concerning the breaches of Priviledges of Parliament. AN.
DOM. 1641.

Master Speaker,

THe intermission of Parliaments so long together hath been the onely cause, I confidently beleieve, of all those evils and troubles that have happened upon this and the other His Majesties Kingdomes; the perverse nature of man is so froward and crooked, that it is alwayes inclined and bent to do nothing but that which is evill; without restriction either by the powerfull preaching of the Word of God, wholesome and pious discipline in the exercise of Religion, and good Lawes made for the strict observance and performance of the same, under paine of severe punishment for not obeying thereof, I say without restraint by such meanes, the corrupt nature of the flesh is not to be curbed, but will goe on to the committing of all manner of wickednesse, both against God, his King, and Country; And *Master Speaker*, the onely meanes to preserve and injoyne the sincere and pure teaching of Gods word and pious discipline by wholesome Lawes enacted and made for that purpose, is by a Parliament, by that great and wise Councell expert in all the sciences, of good government either of a Church or common-Wealth.

A Parliament *Master Speaker*, is the clearest looking-Glasse for a state perfectly to see it selfe in, that ever was made; there is no disease, infirmity, misery that it groanes under the burthen, if but in this Glasse it may be perspicuously perceaved, and the originall and prime causes that have produced the same: this glassee is not onely cleere and bright to looke in; but it is medicinall of that soveraigne power and efficacy; that it can cure and remedy all the grievances of the spectatours therein, of what personage, degree or dignity soever they be, of what condition or quality soever the disease be they are infected withall; of what profession or function so ever, whether spirituall or temporall they are of, if they do but looke herein.

Be they infected with pride, hautinesse of heart, (if in places of authority) exercising tyranny over the Kings good people and loyall subjects, let them be but brought to looke in this glassee, they may have remedy.

Be they infected with too much ease, idlenesse and plenty, (if of the Clergie) whereby is produced covetousnesse, luxury, wantonnesse, avarice and all manner of lasciviousnesse, neglecting their duties in their severall places in the Church, as ordinary teachers and dispensers of the word of God, or being in authority and places of Government in the Church; becoming hoarse and dumbe in their preaching and dispensation of the truth of God according to the spirituall and pure meaning thereof; or else corrupt in their doctrine, teaching false doctrine, not the word of God, but their owne inventions or the

the inventions or traditions of other, turning the truth into a lye, joyning and adding to the same their owne devices, as they are teachers and instructors of the people and Children of God; or as they are in authority, becoming proud, highminded, not contented with their spirituall offices, but usurping to themselves temporall jurisdiction, exercising cruelty, and those that are faithfull and painfull teachers of the word, holy in their lives and conversations, encouraging vaine and idle persons, scandalous both in their teaching and in their lives. These I say *Master Speaker* infected with all these sores and dangerous ulcers, looking but into this glasse may receave cure.

Be they infected, with Bribery, Injustice and oppressions, (Be they judges or other officers in places of judicature in this Kingdome) in their severall Courts over his Majesties subjects, by viewing themselves in this glasse may receave remedy.

Be they infected with subtile plots, Monopolizing devises, (Be they Courtiers, officers, customers, or whatsoever else) thereby procuring Graunts, Pattents, Monopolies, by them oppressing and excessively charging the subject, raising and increasing the rates and prices of all commodities either imported or exported in this land, if they looke in this prospective, may be cured.

Be they infected with Treachery conspiracy or with any other divellish practise or designe against his Majesty or his Kingdomes, as they are either Papists, Recusants, Priests and Jesuits, or dissolute and disaffected Protestants; or *Baals* Priests, that halt betweene divers opinions, in part Protestants, in part Papists, and in part Arminians, if they will but look into this glasse, it will cleerly discover and cure them.

And thus *Master Speaker*, having spoken somewhat of the nature of a Parliament, and of the soveraignty thereof in discovering and curing all diseases in a Common-Wealth, I come to speak a word or two of the Rights and Priviledges appertaining and belonging to a Parliament. I know right well these gentlemen that spake yesterday, have set forth clearely and learnedly the priviledges thereof, sufficiently serving as I conceive, for this days businesse: I shall onely speake concerning that priviledge, which one of them have already mentioned not to be questioned or accused, for or concerning any Vote, Argument or Dispute, as Members of a Parliament in the same during the free sitting thereof, either in the continuance of Parliament, or after the same be dissolved or broken off either Legally or illegally: that which I shall onely speake of, is the breach of this grand Priviledge of Parliament as I conceive, by the accusing of high treason, those six worthy Members of the same, during the continuance thereof, for matters debated of and done in the same as Members thereof, and upon this accusation to breake open their chambers, trunks, and studies, and seysing on their bookes and writings; These I conceive are great Breaches of this Priviledge, for these reasons.

I If to be questioned for free debating or Arguing in Parliament be no breach of this Privilege, then can we not safely intermeddle and agitate any busines whatsoever either concerning Church or State, but what shall be appointed and nominated by his Majesty, and his Privy Councell, which is a

restriction

restriction of the power of Parliament, given unto the same by the royall confirmation of his Majesty, confirming to us at our meeting all our Rights and Priviledges.

2 Secondly, if to accuse the Members of the Parliament of treason for things done in the House, be not a breach of this Priviledge, then is it dangerous to sit in Parliament upon any businesse of disorders in the State, and grievances of the subject, Committed by great personages, as Lords and Bishops which may by their subtile inventions induce his Majesty to favour their actions, they pretending all they do is for His honour, Maintenance of his Prerogative and royall power, and the like.

3 And lastly, if upon any such accusation, the Chambers Trunkes and Studies of such accused Members may be broken open and their writings seysed on be not a breach of this Priviledge, then will it altogether discourage any man to undertake any service for the good of his Country; when he shall perceave he may at pleasure be bereaved of such meanes and helps as may inable and make him fit for the same.

And now *Master Speaker*, having added to the former speeches what I conceive necessary to the businesse we have now in debate, My humble motion is, that a declaration may be forthwith drawne and set forth in print, giving notice to all His Majesties loyall subjects of the Priviledges of Parliament and breaches thereof, by the accusing of these Gentlemen, breaking open their Chambers, &c. and endeavouring to apprehend and commit them to prison, under a certaine punishment to be inflicted upon those that shall obstinately refuse to observe the same,

The Two PETITIONS of the County of Buckingham: As they were presented to both Houses, by Knights, Esquires, Captaines, and Gentlemen, with a very great number of Freeholders, being the true Copy as it was presented to the Houses of Parliament, JANUARY II. 1641.

As Also The humble Petition of the Mariners and Sea-men, Inhabitants in and about the ports of LONDON, and the River THAMES.

Together with The Petition of the foure Innes of COURT.

The humble Petition of the Gentlemen of the four Innes of Court, to the House of COMMONS.

THat you will be pleased to reflect upon the Honourable service of God, to behold him in his Throne and dignity, that thereby the poore Protestants of this Kingdome, between the two extremities of zeale, may not suffer a distraction in Religion.

That you will be pleased to serve Gods annointed, his immediate Vicegerent, our true and lawfull Sovereigne Lord the King, in his person and all

all his Regall dignities and lawfull immunities, without any impeachment of his Regality, in whose honour the reputation of the three Kingdomes depend.

That you will be pleased to ratifie and confirme all things, both concerning his Majesty and the state of this Kingdome, as they were in those blessed daies of Qu. *Elizabeth*, and K. *James*, that we may thereby live in these latter and turbulent times with as much peace to our consciences, with as much dignity to our Nation, in as true love and obedience to our lawfull Sovereigne, and with as much libertie and liberality of our fortunes, as our fore-fathers heretofore have done.

That you will not suffer learning to be defaced, nor discountenanced by the ignorant, but rather that you will be pleased to advance it to its dignity, it being the maine supporter of lawfull obedience, of Order, civility, and regularity in all forts.

That you will be pleased to qualifie the exorbitances of the Separatists and disorderly persons, that thereby the City of London, and the Suburbs, may be disburthened from their continuall care and feares, besides their losse of time, health, and fortunes, which by their Trainbands, double and treble Watches and wards they continually doe sustaine.

That you will be pleased, as the State by election hath made you members of this Honourable House, and adopted you our Fathers, to governe our Fortunes, to establish our Lawes, and to regulate our actions; So we now beseech you, to satisfie our consciences, to preserve our reputations, and to admit of a liberall and free discourse in Parliament concerning all these particulars without interruption or feare of punishment, that thereby the glory of God may be exalted, the dignity of our King and Kingdom may be preserved, the Immunities of your House, according to the ancient Custome of England continued, all precipitated tumults appeased, and all discords amongst us peaceably united, the valiant and renowned Actions of our Predecessors revived, our tottering Fortunes established, our King and Kingdomes united, that so our minds and consciences may be fully satisfied.

To the Honourable the Knights, Citizens and Burgesse, of the
House of COMMONS, now assembled in Parliament,

The humble Petition of the Inhabitants of the County of BUCKINGHAM,

Sheweth,

THat whereas for many yeers past we have been under very great pressures (which are cleerly set forth in the late Remonstrance of the *House of Commons*; the redresse thereof which hath for a long time been by you endeavoured

deavoured with unwearied paines, though not with answerable successe, having still your endeavours frustrated or retarded, and we deprived of the fruit thereof, by a malignant faction of Popish Lords, Bishops, and others, and now of late, to take from us all that little hope was left of a future Reformation: the very being of the PARLIAMENT shaken, and by the mischievous practises of most wicked Counsellors, the priviledges thereof broken in an unexampled manner, and the members thereof unassured of their lives, in whose safety, the safety of us and our posterity is involved. We held it our duty, according to our late Protestation to defend and maintaine the same persons and priviledges, to the utmost expence of our lives and estates.

To which purpose we are now come to make the humble tender of our service, and remaine in expectation of your Command and Order; to the execution whereof, we shall with all alacrity addresse our selves, ready to live by you, or to die at your feet, against whomsoever shall in any sort illegally attempt upon you.

May it therefore please this Honourable Assembly to assist the ardent prayer of your poore Petitioners, that Popish Lords and Bishops may be forthwith outed the House of Peeres, that all priviledges of PARLIAMENT (Yours and our posterities inheritance) may be confirmed to you, and that all evill Counsellors, the *Achans* of this Common-wealth, may be given up to the hand of Iustice; without all which your petitioners have not the least hope of Israels peace, or to reap those glorious advantages, which the fourteene moneths feed-time of Your unparalleld endeavours hath given to their unsatisfied expectations:

*So your Petitioners will be
bound to pray, &c.*

To the Honorable, the Knights, Citizens, and Burgeses of the
COMMONS, assembled in Parliament.

*The humble Petition of the Marriners and Sea-men, Inhabitants, in, and about
the Ports of London, and the River of Thames.*

Shewing,

THat they with all submisse acknowledgment do conjoyne with the Citizens and common Counsell-men of London, in the Petition lately presented to this Honourable Assembly, in their hearty thankfulnesse for the great paines and care taken by you, in seeking out the roote and remedies of those monstrosous evils of late happening to both Church and Common-wealth; which although it hath not taken that full effect, which was by you desired, Yet your endeavours was not thereby lessened, nor are any way (we hope) discouraged.

As

As the pressures of the Kingdome are many, so are they weighty, and at large expressed in your late Remonstrance; amongst which, as those your Petitioners are most sensible of (and they, their wives and children, too heavily feeble the burthen of) is the decay of Trade, and lying still of the Ships, which hath occasioned many Sea-men to leave this land, and seeke employment in other Countries, Men being at such a straight that they durst not adventure their ships, nor estates in forraigne parts, in regard things are not as yet settled, neither in England nor Ireland, and that the Papists remaine as stout, strong, and insolent, as formerly, Which under favour they conceive to arise, by reason of the continuance of the Vote of the Popish Lords and Bishops in the House of Peeres. Your Petitioners having had sad experience by their Travels in Forreigne parts, what evils and miseries, that Religion, and men of those spirits have brought forth, which doth justly occasion your Petitioners, utterly to abominate and abhorre their Religion, and most unjust practises.

From which grounds the Petitioners cannot omit to represent unto you the great terrors, and feares, and distractions that they lie under, of a sudden surprize by their bloody hands, by meanes whereof, the trading of the City and Kingdome is much more of late decayed, then it hath beene for many yeares past; no man following his trade cheerfully, whilst the lives of himselfe, and family, and the publique safety of the Kingdome are in jeopardy, and whiles he knoweth not how soone they may feeble the like cruelty and inhumanity from the Papists, and their adherents, as those in Ireland have done: which if ever it shall happen; This Honorable Assembly must expect to have a deepe share in the malice and cruelty, against whom they have already by themselves, and their abettors endeavoured to raise a dis-respect in the hearts of the people to divide between the Kings Majesty and the Parliament.

To the end therefore, that the destructive plots of the Papists and their adherents may be defeated, the ground of their hopes, and insolences removed, considerable forces with expedition sent to subdue those abominable and bloody Rebels in Ireland, The Petitioners freed from their feares, encouraged in their calling, and in due time obtaine their wonted employments and traffique, the want whereof, causeth the whole land to mourne.

It is humbly prayed, that you will vouchsafe to be a meanes to the Kings Majesty, and House of Peeres, that life may be given to your good endeavours, by their concurrence with you in the punishment of delinquents, and redressing the pressures and grievances in the Church and Common-wealth: And for the better effecting hereof, that the Popish Lords and Bishops, may be removed out of the House of Peeres, as was desired in the presence of divers of this Honorable Assembly, by the representative body of the City of London, in Guildhall.

And the Petitioners who wel know that their own safeties are wrapt up in yours, shall not faile to put up dayly prayers to Almighty God for your good successe, and maintaine and defend to the utmost hazard of their lives, and estates, according to the late Protestation, the Kings Majesty, and High Court

Court of Parliament, against all wicked Councils and malignant opposers, or that endeavour, by secret plots, or open force, to prejudice the one or the other: And to make division between his Majesty and the Parliament, whom God, and the lives of the Commons, have united into so neere a relation. And it is not unknown unto your Honours, that upon any forraigne invasion, or enterprises, your Petitioners estates and lives must be formost.

And your Petitioner shall ever pray, &c.

This Petition was subscribed by many thousands, and presented to the Committee of the Honourable House of Commons at Grocers-Hall, 8. January 1641.

Mr. PYMME his SPEECH and PROTESTATION in Parliament. On FRIDAY, the Fourteenth of JANUARY. Concerning his Innocency, touching the Articles of High Treason exhibited against himselfe, and the other Gentlemen, accused upon the same, with his Humble motion to the House to move the Lords to ioyne with him in Petitioning His Maiesty that he may know his accusers, against whom he may have liberty to vindicate his reputation.

Master Speaker;

I Am now come to speake againe to these Articles of high Treason exhibited against me and the other Gentlemen, with my selfe Accused. Although as I conceive, I have already sufficiently cleared my owne Innocency concerning the same; yet in respect it is not so conceived by them, by whom I am to be tryed, which is a select number of Noble Peers and worthy Members of this honourable House; I humbly crave leave to speake something more touching the same; and then leave my selfe and Actions to the righteous judgement of those by whom I am to have my tryall, and receive sentence.

Mr. Speaker, it is to me strange, and very hard to be accused of Treason illegally, and not proceeded against upon the same, by any charge, to prove the Articles but onely accused and brought to tryall onely upon the same, it is the course of the Parliaments of England, when any is by them accused of any Crime, to proceed against such by charge, in which they legally prove their Accusation by witnesses and perspicuous circumstances, making them manifest by the same, their guiltinesse of such Crimes layd to their charge, and to this charge (is permitted the accused person, legally to answer the same,

same, except it be matter of fact punctually against him) by examination of witnesses on his part to defend his case and cleare his Innocency. If this be the ordinary way of Parliamentary proceedings, against persons accused by them for any whatsoever, Treason or otherwise, then is this Accusation not seconded and maintained by a lawfull charge; but onely preferred and prosecuted; without such legall way: I conceive under favour of this House, contrary to the proceedings of Parliament.

These six honourable parsonages Mr. *Speaker*, the Earle of *Essex*, *Holland*, *Pembroke*, *Salisbury*, Lord *Say*, and the Lord Keeper, joyn'd with as many of the worthy Members of this honourable House, to whom it hath pleased his Majesty of his Princely goodnesse, to refer our cause for finall determination and sentence, I doubt not but they are of that wisdom and judgement, that nothing is to be expected from them but Justice, to whom I doe withall my heart submit my selfe and cause. I know the integrity and loyalty of my owne heart, towards my gracious Sovereigne and Country; against whom I have not had the least thought of intending any evill, much lesse have beene an instrument to commit any designe, tending to the damage or dishonour of either, but far from my indeavours to practise any thing against the Fundamentall Lawes of this Kingdome, to bring in Arbitrary government or the like, but have alwayes, to the uttermost of my power, God is my witness, strived and laboured, with my best judgement and understanding, to defend the Lawes of this Land, the rights and lawfull liberties of the Subjects, the Royall power and Prerogative of his sacred Majesty, Parliaments, and the ancient rights and priviledges thereof. To appease differences and divisions, to settle peace and unity betweene his Majesties Kingdomes; to bring to deserved punishment the Incendiaries in the same; to settle true Religion in the State, according to the purity of the sacred Word of God, to purge out the corruption, by Innovation of Superstitious Ceremonies and strange worshipping, introduced into the same. In all these things agreeing with the whole Parliament. Then Mr. *Speaker* can I not conceive in what I should be Criminous? in what I should be Treacherous, either to King or Common-wealth. And these my Actions I desire to defend, be it to the losse of life or fortunes.

To which purpose, I desire Mr. *Speaker* I may have liberty to protest against all such as shall oppose these my proceedings, or any wayes accuse or Impeach me for the same, and against these Articles upon which I am now Impeached.

And to that end, I *John Pym* Esquire, one of the Members of the High Court of Parliament, commanded to sit in the same, by the Royall power and Prerogative, of my lawfull and undoubted Sovereigne; and elected and chosen by free consent, and sent hither to serve both King and Country. Doe in the presence of Almighty God, Protest and vow, to the uttermost of my power, with the losse of life and fortunes, if it shall please God to call me thereunto: to defend and maintaine the lawfull power and Prerogative of the King, the Fundamentall Lawes of this Kingdome, the just rights and lawfull liberties of the Subject, the honour and dignity, power and jurisdiction of

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his Majesty, and his High Court of Parliament, and the rights and privileges thereof; true Religion according to the Word of God: and to endeavour to the uttermost of my power, to bring to deserved punishment all infringers of the privileges of Parliament, all Incendiaries of division and dissention, betweene the two Kingdomes, of *England* and *Scotland*, and all other Delinquents in this State, that have beene causers of oppressions, injustices and tyranny, over his Majesties Liege people; And by this my Protestation, doe vow to defend and maintaine mine owne Innocency and integrity, in all my Actions ever since my sitting in this House as a Member thereof; against any person or persons whatsoever, that have caused and procured the same to be called in question, and me to be accused as Criminous therefore.

And now Mr. *Speaker*, having I hope sufficiently given satisfaction to this honorable house of my Innocency concerning these Articles, my motion is, that this House would be pleased to move the Lords on my behalfe, to joyne with them in Petitioning his Majesty that he would be pleased to make knowne my Accusers; that I may vindicate my selfe and reputation against them, concerning this my Accusation.

Sir PHILLIP STAPLETON his Worthy SPEECH
in the House of COMMONS in PARLIAMENT, JAN. 15.
1641. Concerning the Accusation of the Lord *DIGBY* and
Colonell *LUNSFORD* of High Treason.

Mr. *Speaker*,

IT is the continuall practice of the Divell after any of his workes of darknesse and malicioufnesse intended against God and his Christ, is discovered and annihilated by the speciall power of Divine Providence, to practice new, being alwaies striving to encrease his owne Kingdome, alwaies winning to himselfe fresh Instruments to yeeld to his suggestions and temptations and execute the same.

I am now to speake concerning this new trechery and Conspiracy endeavoured to be practised by two eminent persons, that have especially the one of them, obtained the favour not onely of their Prince, but applauded for their better parts by most of his Majesties Subjects, the Lord *Digby* and Col. *Lunsford*; The first had the Honour to sit in this House a Member thereof, so well approved was he both of his King and Country, none more fervent against evill doers at the first then himselfe seemed to be both by his Speeches and disputes, but in heart alwayes as it seemes favouring the Bishops, and their cause, although it seemed but a little, yet increasing dayly more and more, grew to such strength in his opinion concerning his own worth, that he adventured to take part with the Earle of *Straford*, trusting too much

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on the same, so high is pride, that at length he presumed to oppose and set himselfe against the proceedings of the whole House, against the said Earle, obstinately refusing to be admonished concerning the same, and yet keeping his friends, many of the Lords, was by his Majesty as a Baron called to their house, and aspiring yet higher, obtained his Princes favour not being yet acquainted with his secret intentions, by which meanes, too confident of his safety, and security in his designe, adventured openly to comply with the publique Enemies both of King, and Country, as especially now with this other person of whom I am to speake, this Colonell, being by his Majesty advanced to that dignity and trust, could not so content himselfe, but immitating the water Toade, seeing the shaddowe of a horse seem bigger then it selfe, sweld, to compare with the same, and so burst, even so this Gentleman having obtained first this place of Command, and afterwards Lievttenant of the Tower, and being found of such a malignant spirit, that he was unfit and uncapable for that great place of trust, and therefore removed, taking the same a great dishonor to his worth, now endeavours by trayterous and desperate actions, to defend himselfe, and be revenged of his pretended adversaries, and to that purpose they have betweene them joyntly raysed armes against the State, met together in peaceable consultations for the good of Church and Common-wealth.

Mr. Speaker,

These attempts made by these persons are of dangerous consequence, and this their insurrection by taking up Armes without warrant both from his Royall Majesty and this High Court of Parliament, onely to doe mischief in raising sedition and contention thereby to preserve themselves from being called to an account for their desperate actions, and disloyall taking up Armes, will prove harder to appease and suppress then any troubles we have yet suffered.

Mr. Speaker,

I conceive quick dispatch in our intentions for the apprehending and suppressing these persons, is the onely meanes to prevent future danger; And to that purpose I desire to present to your considerations these particulars.

I.

That Warrants may issue forth for the speedy and private apprehending of them in what places soever they shall be found, and immediately to bring them before the House.

2. If this cannot be effected, to issue forth Proclamations for their calling in within a certaine time prefixed, under penalty of being prosecuted and proceeded against as Traytors to their King, and Country.

3. That warrants be forthwith sent for the guarding and securing of all the Ports of this Kingdome, and for the intercepting of all Packets, or Letters intended to be conveigh'd into Farraign Kingdomes or any brought from thence hither.

4. That Order be sent downe into the severall Counties of this Kingdome, where it is suspected either of these persons have any Friends, or Favorites well-wishers to their cause, with command to the *Sheriffes*, and severall Officers of such Counties to stand upon their guard, and to rayse Force for their owne defence and safety, and to endeavour by all meanes possible to apprehend and suppress them and such of their Conspiracy as shall be taken, presently to be sent up to this house to be examined and prosecuted according as they shall be found.

5. That order may be made by the Parliament that no Officer that shall be found to have a hand in this plot, may be employed in any service of publique Command, either for *Ireland*, or any other of his Majesties Dominions, or any private affaires of this Kingdome.

6. That we may with out further delay proceed to sentence against all delinquents by this Honorable house accused for any crime whatsoever, in whose defence, or for whose cause these persons now accused pretend to take up Armes.

7. That his Majesty may be moved graciously to be pleased to declare himselfe against these persons and all others that doe any wayes pretend to his authority or warrant for what they doe.

8. And lastly, his Majesty may be moved to avert his intended Journey for *Portsmouth*, for the safety and security of his Royall Person, till such time as their dangers be removed, and the Peace and Vnity of all his Majesties Loyall Subjects be procured and settled.

And thus Mr. Speaker, having presented such things to this House, which I humbly conceive to be necessary to suppress and prevent this new danger threatened by these two disaffected and Malecontented persons, the Lord *Digby* and Colonell *Lunsford*, I leave the same to the further consideration of this Honourable House, desiring from my heart, that it would please God to end all the troubles and distempers of this Common-wealth, and that this High Court of PARLIAMENT may prove the firme settlement of all things amisse both in Church and State.



Mr. GLYN, his SPEECH in PARLIAMENT, vpon the reading the Accusation of the House of Commons against Mr. HERBERT the Kings Attorney, for advising and drawing the Accusation of High Treason against the Six Worthy Members of the House of Commons. FEBRUARY 18. 1641.

Mr. SPEAKER,

THE Subtilty and Policy of Man corrupted, and for evill Actions, in danger of Punishment, is alwayes working, although by the destruction of the vertuous and Innocent, to free and cleere himselfe; The Actions and indeavors of the good man, and the bad are alwayes opposite, The good man practiseth to defend vertue and piety, bring to deserved punishment, the vitious and Malignant, out of duty to God, his King and Country. The wicked man strives to defend himselfe and vices to the dishonour of God, the destruction of his true Religion, of his King and Country, if opposite to his designes; We have had the experience of the evils and great troubles that have been raised in this State, by ill instruments, men of power and authority in the same; and not onely of open and publicke misdoers, but of private disaffected spirits, whose outward carriage hath procured to themselves great esteeme and respect in their countrey; nay, so well have they been approved of, that their countrey hath intrusted them with their estates and priviledges, as electing them members of this High Court of Parliament, wherein also for a long time they have discharged their duties to their King and Countrey; nay, and obtained the generall estimation and respect of all men, as worthy members of the Commonwealth; but their hearts agreeing not with their outward carriage, being not upright and perfect, have at last shewed themselves in their owne colours, and brought to themselves shame and dishonour.

This Gentleman now accused by this Honourable House, had the honour to be a Member of the Parliament, and so well esteemed by his Maiesty, that hee was entertained his Atturney Generall; which had he beene contented withall, and not been ambitious or malicious, which of the two I am not able to distinguish was his errour, or whether he is guilty of both: however, it is cleare, his heart was not right in discharging his duty in that great place committed to him; and as he was a member of the Parliament, had he been faithfull to his King and Countrey, he would never have undertaken this enterprize, to presume to advise his Maiesty to accuse the Members of this House of high treason, and draw himselfe their accusation.

Mr. SPEAKER,

His Offence is of a high nature, of dangerous Consequence, a manifest Breach of the Priviledges of Parliament, an Apparant Treachery against the persons

persons of those Worthy Members; and Consequently an offence against the whol State, deserving great punishment for the same.

By this he hath made himselfe guilty of the same misdemeanours that other delinquents are impeached and accused for, not inferiour to them in this crime. This his practice and designe was a great offence against his sacred Maiesty himselfe, in seeking to worke an evill opinion in his Maiesty of his Parliament, and their proceedings in the great affaires both of Church, and State. This discouraged and dis-heartned the Parliament to proceed in any businesse for the good and honour of their King and Countrey, when they perceive that all their endeavours and dutifull actions are not well accepted by his Maiesty, but ill thought of. This might prove a cause to alienate the hearts of King and people one from another. This hath caused all the trouble and distraction in this State, ill counsell.

Mr. *SPEAKER*,

I humbly desire that this Accusation may be perfected, and that we may proceed to voting him upon the same, as by this honourable House hee shall be found Guilty, and with all Convenient Expedition that may be presented to the Lords, And that hee may proceed with cheerfulnesse to settle all disorders in this Kingdome, both in Church and State, redresse all Grievances of his Maiesties good Subiects, expedite our indeavors for a timely reliefe of *Ireland*, and bring all delinquents in this Common-wealth to deserved punishment for their many misdemeanors, and dangerous Crime by them committed, and the establishing such a forme of Government, and dicipline Ecclesiasticall, in the Church, for the true worshipping of God, as may be agreeable to his Word and verity.

Master GRIMSTONS ARGUMENT concerning Bishops:
With Mr. SELDENS Answer. Also severall Orders newly
made in Parliament concerning CHVRCH GOVERNMENT.

I.

THat Bishops are *Jure Divino* is a question.
2. That Arch-Bishops are not *Jure Divino* is out of question.
3. That Ministers are *Jure Divino* there is no question.

Now if Bishops which are questioned whether *Jure Divino*, and Arch-Bishops which out of question are not *Jure Divino*, should suspend Ministers that are *Jure Divino*, I leave it to you *Master Speaker*.

Master Seldens Answer.

1. That the Convocation is *Jure Divino* is a question.

2. That

2. That Parliaments are not *Jure Divino* is out of question.
3. That Religion is *Jure Divino* there is no question.

Now *Master Speaker*, that the Convocation which is questioned whether *Jure Divino*, and Parliaments which out of question are not *Jure Divino*, should meddle with Religion, which questionlesse is *Jure Divino*, I leave to you *Master Speaker*.

Master Grimstons Reply.

But Arch-Bishops are no Bishops.

Master Seldens Answer.

That's no otherwise true then that the *Judges* are not Lawyers, and *Aldermen* are not Citizens.

Severall Orders concerning Church Government.

1. Every severall Shiere of *England* and *Wales* to be a severall Circute or Diocesse for the Ecclesiastick Jurisdiction excepting *Yorkshire*, which is to be divided into three.
2. A constant Presbitry of twelve choyce Divines, to bee selected in every Shiere or Diocesse.
3. A constant President to bee established as a Bishop over this Presbitry.
4. This Bishop in each Diocesse to ordaine, suspend, deprive, degrade, and excommunicate by and with the consent and assistance of seaven Divines of his Presbitry, then present and not else.
5. The times of Ordination throughout the Land to be foure times in the yeare, viz. 1. *May* 1. *August* 1. *November*, 1. *February*.
6. Every Bishop constantly to reside within his Diocesse, in some one prime or chiefe City or Towne within his Diocesse as in Particular.
7. Every Bishop to have one speciall particular Congregation to be chosen, out of the most convenient place for distance from his chief residence, and the richest in valew that may be had, where he shall duely Preach, unlesse he be lawfully hindred, and then shall take care his Cure be well supplied by another.
8. No Bishop shall remove, or bee translated from the Bishopricke which hee shall first undertake.
9. Vpon every death, or other avoydance of a Bishop, the King to grant a *Conge De Cleire* to the whole Clergy of the whole Diocesse, and they to present three of the Presbitry aforesaid, and the King to choose and nominate whom he pleaseth of them.
10. The first Presbiters of every Shiere to be named by the Parliament, and afterwards upon the death or other avoydance of any Presbiter, the remaining Presbiters to choose one other out of the parish Ministers of that Shiere, and this to bee done within one moneth next after such death or avoydance.
11. No Bishop or Clergy man to exercise or have any temporall Office, or
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Seculer imployment but onely for the present to hold and keepe the probat of Wills, untill the Parliament shall otherwise resolve.

12. The Bishop once a yeare (*at Midsomer.*) to summon a Diocesan Synod, there to heare, and (by generall Vote) to determine all such matters of scandall in life, and Doctrines amongst Clergy men, as shall be presented unto them.

13. Every three yeares a Nationall Synod to bee, which (for persons) shall consist of all the Bishops in the Land, and of two Presbiters to bee chosen by the rest out of each Presbitry, and of two Clerkes to be chosen out of every Dioceffe by the Clergy thereof.

14. This Nationall Synod to make and ordaine Cannons, for the government of the Church, but they not to bind untill they bee confirmed by Parliament.

15. Every Bishop to have over and above the Benefice aforesaid, a certaine constant Rent allowed, and allotted proportionall to the Dioceffe wherein hee is to Officiate. That is to say —

16. Every Presbiter to have a constant yearly profit above his Benefice.

As for the Revenew of the Bishops, Deanes, and Chapters, &c. a strict survey to be taken of all their Rents and profits, and the same to bee represented at the beginning of our next convencion, and in the mean time no Lease to be renewed, nor Timber to be felled.

The PETITION of the LORDS and COMMONS in Parliament, delivered to His Majesty, the 16 day of IVLY: With His MAJESTIES ANSWER thereunto.

CHARLES REX.

Ovr expresse Pleasure is, That this Petition of the Lords and Commons, with Our Answer thereto, be read in all Churches and Chappels within the Kingdom of ENGLAND and Dominion of WALES, by the Parsons, Vicars, or Curates of the same.

With the VOTES Die Martis. 12 Julii, 1642.

To the KINGS most Excellent MAJESTIE.

The humble Petition of the Lords and Commons Assembled in Parliament.

May it please your Majestie,

ALthough we your Majesties most humble and faithfull Subjects the Lords and Commons in Parliament assembled, have beene very unhappy in many former Petitions and supplications to your Majesty, Wherein wee have represented our most dutifull Affections, in advising and desiring those things which we held most necessary

fary for the preservation of Gods true Religion, Your Majesties safety and honour, and the Peace of the Kingdome; And with much sorrow doe perceive, That Your Majestie, incenst by many false Calumnies, and Slaunders, doth continue to raise Forces against us, and Your other peaceable and loyall Subjects, and to make great Preparations for War, both in the Kingdom, and from beyond the Seas; And by Armes and violence to over-rule the Judgement and Advice of your great Councell, and by force to determine the Questions there depending concerning the Government and Liberty of the Kingdom; yet such is our earnest desire of discharging our duty to your Majesty and the Kingdome, to preserve the peace thereof, and to prevent the Miseries of Civill Warre amongst your Subjects; That notwithstanding we hold our selves bound to use all the means and power, which by the Lawes and Constitutions of this Kingdome wee are trusted with for defence and protection thereof, and of the Subjects from force and violence; We do in this our humble and loyall Petition prostrate our selves at Your Majesties feet, beseeching your Royal Majesty, That You will be pleased to forbear and remove all Preparations and Actions of War, particularly the Forces from about *Hull*, from *Newcastle*, *Tynmouth*, *Lincoln*, and *Loncolnshire*, and all other Places; And that your Majesty will recall the Commissions of Array, which are illegall; Dismiss Troops, and extraordinary Guards, by you raised; That Your Majesty will come neerer to Your Parliament, and hearken to their faithfull Advice, and humble Petitions, which shall onely tend to the defence and advancement of Religion, Your owne Royall Honour and safety, the Preservation of our Lawes and Liberties; And we have been, and shall ever bee carefull to prevent and punish all Tumults, and seditious Actions, Speeches, and Writings, which may give Your Majesty just cause of distast or apprehension of danger (from which publick aims and resolutions, no sinister or private respect shal ever make us to decline.) That Your Majesty will leave Delinquents to the due course of justice; And that nothing done or spoken in Parliament, or by any Person in pursuance of the Command and Directions of both Houses of Parliament bee questioned any where but in Parliament. And we, for our Parts, shall be ready to lay down all those preparations, which we have been forced to make for our defence. And for the Town of *Hull*, and the Ordinance concerning the *Militia*, as we have in both these particulars, onely fought the preservation of the Peace of the Kingdome, and the Defence of the Parliament, from force and violence; So wee shall most willingly leave the Town of *Hull* in the state it was before Sir *J. Hotham* drew any forces into it, delivering your Majesties Magazin into the Towre of *London*; And supplying whatsoever hath bin disposed by Us for the service of the Kingdom. We shall be ready to settle the *Militia* by a Bill in such a way, as shall be Honorable and safe for Your Majesty, most agreeable to the dutie of Parliament, and effectuell for the good of the Kingdome; That the strength thereof be not imployed against it self; and that which ought to be for our securitie, applied to our destruction: And that the Parliament, and those who profess and desire still to preserve the Protestant Religion, both in this Realme, and in *Ireland*, may not be left naked,

and indefensible, to the mischievous designs, and cruell attempts of those, who are the profest and confederated Enemies thereof, in your Majesties Dominions and other Neighbour Nations, to which if your Majesties courtes and Councils shall from henceforth concur, Wee doubt not but wee shall quickly make it appeare to the World, by the most eminent effects of Love and Duty, That Your Majesties personall safetie, Your Royall Honour and Greatnesse are much deerer to Us then our own Lives and Fortunes, which we do most heartily Dedicate, and shall most willingly imploy for the support and maintenance thereof.

His Majesties Answer to the late petition.

THough his Majesty had no great reason to believe that the Directions sent to the Earle of *Warwick* to go to the River of *Humber*, with as many ships as he should think fit for all possible assistance to Sir *I. Hotbham* (whilst his Majesty expected the giving up of the Town unto him) and to carry away such Armes from thence as his discretion thought fit to spare out of his Majesties own Magazine; The choosing a Generall by both Houses of Parliament for the defence of those who have obeyed their Orders and Commands (be they never so extravagant and illegall,) Their Declaration that in that case they would live and die with the Earle of *Essex* their Generall (all which were voted the same day with this Petition) And the committing the Lord *Major* of *London* to prison, for executing his Majesties Writs and lawfull Commands, were but ill Prologues to a Petition which might compose the miserable distractions of the Kingdome; Yet his Majesties passionate desire of the Peace of the Kingdom, together with the preface of the Presenters, that they had brought a Petition full of duty and submission to his Majesty, and which desired nothing of Him but His consent to Peace (which his Majesty conceived to be the language of both Houses too) begot a greedy hope and expectation in Him, that this Petition would have beene such an Introduction to Peace, that it would at least have satisfied His Message of the eleventh of this Moneth, by delivering up *Hull* unto his Majesty. But to his unspeakable grief his Majesty hath too much cause to believe, that the end of some persons by this Petition, is not in truth to give any reall satisfaction to his Majesty, but by the specious pretences of making offers to Him to misleade and seduce His People, and lay some imputation upon Him of denying what is fit to be granted, otherwise it would not have thrown those unjust reproaches and scandals upon his Majesty for making necessary and just defence for his own safety, and so peremptorily justified such actions against Him, as by no Rule of Law or Justice can admit the least colour of defence, and after so many free and unlimited Acts of Grace passed by his Majesty without any condition, have proposed such things which in Justice cannot be denied unto Him upon such conditions as in Honour Hee cannot grant. However that all the World may see how willing his Majesty would be to embrace any overture that might beget a right understanding

standing between Him and his two Houses of Parliament (with whom He is sure He shall have no contention, when the private practices and subtile insinuations of some few malignant persons shall be discovered, (which his Majesty will take care shall be speedily done.) He hath with great care weighed the particulars of this Petition, and returns this Answer.

That the Petitioners were never unhappy in their Petitions or Supplications to his Majesty while they desired any thing which was necessary or convenient for the Preservation of Gods true Religion, His Majesties safety and Honour, and the Peace of the Kingdom, and therefore when those generall envious foundations are layd, His Majesty could with some particular instances had been applyed. Let Envy and Malice object one particular Proposition for the preservation of Gods true Religion, which His Majestie hath refused to consent to; What himself hath often made for the ease of tender Consciences, and for the Advancement of the Protestant Religion is notorious by many of His Messages and Declarations; What regard hath bin to his Honour and safety, when Hee hath been driven from some of His Houses and kept from other of his Towns by force, and what care there hath been of the Peace of the Kingdome, when endeavour hath been used to put all His Subjects in Arms against him, is so evident, that His Majesty is confident He cannot suffer by those generall Imputations; Tis enough that the World knows what hee hath granted, and what He hath denyed.

For his Majesties raising forces, and making preparations for war (whatsoever the Petitioners by the evil Arts of the Enemies to His Majesties Person and Government, and by the Calumnies and Slanders raised against his Majesty by them, are induced to believe) all men may know what is done that way, is but in order to his Owne defence. Let the Petitioners remember that (which all the World knows) His Majesty was driven from His Palace of *White-hall* for the safety of His Life, That both Houses of Parliament upon their own Authority raised a Guard to themselves (having gotten the command of all the Train-bands of *London* to that purpose) without the least colour or shadow of danger, That they usurped a Power by their pretended Ordinance (against all Principles and Elements of Law) over the whole *Militia* of the Kingdome, without and against his Majesties consent, That they took possession of his Town, Fort, and Magazine of *Hull*, and committed the same to Sir *Iohn Hotham*, who shut the Gates against His Majesty, and by force of Arms denied entrance thither to his own person, That they justified this Act, which they had not directed, and took Sir *Iohn Hotham* into their Protection, for whatsoever he had done or should do against His Majesty, And all this whilst his Majesty had no other Attendance then his own menial servants. Upon this the duty and affection of this County prompted His subjects here to provide a smal guard for His Person, which was no sooner done, but a Vote suddenly passed of His Majesties intention to leavy War against his Parliament, (which God knows His Heart abhorreth) And notwithstanding all his Majesties Professions, Declarations, and Protections to the contrary, seconded by the cleer testimony of so great a number of Peeres upon the place, Propositions and Orders for Levies of men, Horse

and Armes were sent throughout the Kingdom, Plate and Money brought in and received, Horse and Men raised towards an Army, mustered and under command, and all these contrary to the Law, and to his Majesties Proclamation, And a Declaration published, that if He should use force for the Recovery of *Hull* or suppressing the pretended Ordinance for the *Militia*, it should be held leavying War against the Parliament. And all this done before his Majesty granted any Commission for the leavying or raising a Man. His Majesties Ships were taken from Him, and committed to the Custody of the Earle of *Warwick*, who presumes under that power to usurpe to himselfe the Sovereignty of the Sea, to chase, fright, and imprison such of his Majesties good Subjects as desire to obey His lawfull commands, although he had notice of the Legall Revocation of the Earle of *Northumberland* his Commission of Admirall, whereby all Power derived from that Commission seized. Let all the World now judge, who began this War, and upon whose Accompt the miseries which may follow must be cast, What his Majesty could have done lesse then He hath done, and whether Hee were not compelled to make Provision both for the Defence of Himselfe, and Recovery of what is so violently and injuriously taken from Him, and whether these Injuries and Indignities are not just grounds for his Majesties feares and apprehensions of farther mischief and danger to Him. Whence the feares and jealousies of the Petitioners have proceeded, hath never bin discovered; the dangers they have brought upon His good Subjects are too evident; What those are they have prevented no man knows. And therefore his Majesty cannot but look upon that charge as the boldest, and the most scandalous hath been yet laid upon Him *That this necessary Provision made for His own safety and defence is to over-rule the judgment and advice of His great Councell, and by force to determine the Questions there depending concerning the Government and Liberty of the Kingdome.* If no other force had been rayfed to determine those Questions then by His Majestie, this unhappy misunderstanding had not been. And His Majesty no longer desires the blessing and Protection of Almighty God upon Himself and his posterity, then Hee and they shall solemnly observe the due execution of the Laws in the defence of Parliaments, and the just freedoms thereof.

For the forces about *Hull*, His Majesty will remove them, when Hee hath attained the end for which they were brought thither. When *Hull* shall be reduced againe to his subjection, He will no longer have an Army before it, And when He shall be assured that the same necessity and publick good which took *Hull* from Him, may not put a Garrison into *Newcastle* to keep the same against Him, He will remove His from thence, and from *Tinmouth*; Till when the example of *Hull* will not out of his memory.

For the Commissions of Array, which are legall, and are so proved by a Declaration now in the Presse, His Majesty wonders why they should at this time be thought grievous, and fit to be recalled, if the feares of Invasion and Rebellion be so great, that by an illegall pretended Ordinance tis necessary to put his Subjects into a posture of defence to Array, Train, and Muster them, He knows not why the same should not be done in a regular known lawfull way,

way, But if in the execution of that Commission any thing shall be unlawfully imposed upon his Subjects, his Majesty will take all just and necessary care for their redresse.

For his Majesties comming neerer to his Parliament, His Majestie hath expressed himselfe so fully in His severall Messages, Answers, and Declarations, and so particularly avowed a Reall feare of His safety, upon such instances as cannot be answered, that Hee hath reason to take Himselfe somewhat neglected, that since upon so manifest reasons 'tis not safe for his Majesty to come to them, both His houses of Parliament will not come neerer to his Majesty, or to such a place, where the freedome and dignity of Parliament might be preserved. How ever his Majestie shall be very glad to heare of some such example in their punishing the Tumults (which he knowes not how to expect, when they have declared that they knew not of any Tumults, though the house of Peeres desired both for the dignity and freedom of Parliament, that the house of Commons would joyn with them in a Declaration against Tumults which they refused (that is neglected to doe.) And other seditious Actions, Speeches and Writings, as may take that apprehension of danger from him; though when He remembers the particular complaints Himselfe hath made of busineses of that nature, and that in steed of inquiring out the Authors, neglect of Examination hath beene, when offer hath beene made to both houses to produce the Authors as in that treasonable Paper concerning the *Militia*) and when Hee sees every day Pamphlets published against his Crowne, and against Monarchy it selfe, as the Observations upon his last Messages, Declarations and Expresses, and some Declarations of their owne, which gives too great encouragement in that Argument to ill affected persons; His Majestie cannot with confidence entertaine those hopes which would be most welcome to Him.

For the leaving Delinquents to the due Course of Justice, His Majestie is most assured He hath been no shelter to any such. If the tediousnesse and delay in prosecution, the vast charge in Officers Fees, the keeping men under a generall Accusation without tryall a whole yeare and more, and so allowing them no way for their defence and vindication have frightened men away from so chargeable and uncertaine an attendance; The Remedie is best provided where the disease grew. If the Law be the measure of Delinquency, none such are within his Majesties Protection; But if by Delinquents, such are understood, who are made so by Vote, without any trespassse upon any knowne or established Law; If by Delinquents those nine Lords are understood, who are made Delinquents for obeying his Majesties Summons to come to him, after their stay there was neither safe nor honourable, by reason of the Tumults and other violences, and whose impeachment he is confident is the greatest breach of Priviledge that before this Parliament was ever offer'd to the House of Peeres. If by Delinquents such are understood, who refus'd to submit to the pretended Ordinance of the *Militia*; to that of the Navy, or to any other which his Majestie hath not consented to; Such who for the peace of the Kingdome in an humble manner prepare Petitions to Him, or to both Houses, as His good Subjects of *London* and *Kent* did, whilst seditious

tious ones as that of *Essex*, and other places are allowed and cherished; If by Delinquents such are understood, who are called so, for publishing His Proclamations (as the Lord Major of *London*) or for reading His Messages and Declarations (as divers Ministers about *London* and elsewhere) when those against Him are dispersed with all care and industry, to poyson and corrupt the loyalty and affections of his good People; If by Delinquents, such are understood, who have or shall lend his Majestie money in the Universities, or in any other places; His Majestie declares to all the world, that He will protect such with His utmost power and strength. And directs that in these Cases they submit not to any Messengers or Warrants, It being no lesse His duty to protect those who are innocent, then to bring the guilty to condigne punishment, of both which the Law is to bee Judge. And if both Houses doe thinke fit to make a Generall, and to rayse an Army for defence of those who obey their Orders and Commands; His Majestie must not sit still and suffer such who submit to his just power, and are solicitous for the Law of the Land, to perish and bee undone, because they are called Delinquents; And when they shall take upon them to dispencc with the attendance of those who are called by his Majesties Writ, whilst they fend them to Sea to rob his Majestie of His Ships, or into the severall Counties to put his Subjects in armes against him, His Majestie (who only hath it) will not lose the power to dispencc with them, to attend His owne Person, or to execute such Offices as are necessary for the preservation of Himselfe and the Kingdome, but must protect them, though they are called Delinquents.

For the manner of the Proceeding against Delinquents, His Majestie will proceed against those who have no Priviledge of Parliament, or in such Cases where no Priviledge is to be allowed, as He shall be advised by His learned Councell, and according to the knowne and unquestionable Rules of the Law; It being unreasonable that He should bee compelled to proceed against those, who have violated the knowne and undoubted Law, onely before them who have directed such violation.

Having said thus much to the particulars of the Petition, though his Majesty hath reason to complaine; That since the sending this Petition, they have beaten their Drummes for Souldiers against Him, arm'd their new Generall with a power destructive to the Law and Liberty of the Subjects, and chosen a Generall of their Horse. His Majestie out of His Princely love, tenderneffe and compassion of His People, and desire to preserve the Peace of the Kingdome, that the whole force and strength of it may be united for the defence of it selfe, and the reliefe of *Ireland* (in whose behalfe) He conjures both His Houses of Parliament, as they will answer the contrary to Almighty God, His Majesty, to those that trust them, and to that bleeding miserable Kingdome, that they suffer not any monys granted and collected by Act of Parliament to be diverted or imployed against his Majestie, whilst his Souldiers in that Kingdome are ready to mutiny or perish for want of Pay, and the barbarous Rebels prevail'd by that encouragement) is graciously pleased once more to propose and require,

That

That his Towne of *Hull* be immediately delivered up to Him, which being done (though His Majestie hath been provoked by unheard of Insolencies of Sir *Iohn Hotbham* since his burning and drowning the Countrey in seizing His wine and other Provisions for his House, and scornfully using His Servant whom He sent to require them, saying, It came to him by Providence, and He will keepe it, and so refusing to deliver it, with Threats if he or any other of his fellow servants should againe repaire to *Hull* about it, and in taking and deteyning Prisoners divers Gentlemen and others in their passage over the *Humber* into *Lincolne-shire* about their necessary occasions, and such other Indignities, as all Gentlemen must resent in His Majesties behalfe) His Majestie to shew His earnest desire of Peace (for which he will dispencc with His owne Honour) and how farre He is from the desire of revenge, will grant a free and generall Pardon to all Persons within that Towne.

That his Majesties Magazine taken from *Hull*, be forthwith put into such hands as Hee shall appoint.

That His Navy be forthwith delivered into such hands as He hath directed for the government thereof, the detaining thereof after his Majesties directions published and received to the contrary, and imploying his Ships against Him in such manner as they are now used, being notorious high Treason in the Commanders of those Ships.

That all Armies, Levies and Provisions for a Warre made by the consent of both Houses, (by whose Example his Majestie hath beene forced to make some preparations be immediately laid downe, and the pretended Ordinance for the *Militia*, and all power of imposing Lawes upon the Subject without his Majesties consent, be disavowed, without which the same pretence will remaine to produce the same mischiefes. All which his Majestie may as lawfully demand, as to live, and can with no more Justice be denyed him, then His life may be taken from him.

These being done, and the Parliament adjourned to a safe and secure place, his Majestie promises in the presence of God, and binds himselfe by all his confidence and Assurance in the affection of His People, that hee will instantly and most chearefully lay downe all the force he shall have rayfed, and discharge all his future and intended Levyes; That there may be a generall face of Peace over the whole Kingdome; And will repaire to them, And desires that all differences may bee freely debated in a Parliamentary way, whereby the Law may recover its due Reverence, the subject his just Liberty, and Parliaments themselves their full vigour and estimation, And so the whole Kingdome a blessed Peace, quiet and Prosperity.

If these propositions shall be rejected, his Majestie doubts not of the Protection and Assistance of Almighty God, and the ready concurrence of his good Subjects, who can have no hope left them of enjoying their owne long, if their King may be oppressed and spoyled, and must be remediless. And though his Townes, his Ships, his Armes and his money begotten and taken from him, he hath a good cause left, and the hearts of his People, which with Gods blessing he doubts not, well recover all the rest. Lastly, if the Preservation of the Protestant Religion, the defence of the Liberty and Law

of

of the Kingdome, The dignity and freedome of Parliament, and the recovery and the releef of bleeding and miserable *Ireland*, be equally pretious to the Petitioners, as they are to his Majesty (who will have no quarrell but in defence of these) there will bee a cheerfull and speedy consent to what his Majestie hath now proposed and desired.

And of this his Majestie expects a full and positive Answer by Wednesday the 27. of this instant *July*. Till when he will not make any attempt of force upon *Hull*, hoping in the affection, duty, and loyalty of the Petitioners; And in the meane time expects that no supply of Men be put into *Hull*, or any of His Majesties goods taken from thence.

VOTES. *Die Martis 12 Iulii, 1642.*

Resolved upon the Question.

THat an Army shall be forthwith raised for the safety of the Kings person, defence of both Houses of Parliament, and of those who have obeyed their Orders and commands, and preserving of the true Religion, the Laws, liberty and peace of the Kingdom.

Resolved upon the Question.

That the Earle of *Essex* shall be the Generall.

Resolved upon the Question.

That this house doth declare, that in this cause for the safety of the Kings person, defence of both Houses of Parliament, and those who have obeyed their Orders and commands, and preserving of the true religion, the Laws, liberty, and peace of the Kingdom, they will live and die with the Earle of *Essex* whom they have nominated Generall in this cause:

Resolved upon the Question.

That a Petition shall be framed, to move his Majesty to a good accord with his *Parliament*, to prevent a Civill War.

The Petition being drawn, was agreed unto upon the Question: and with these Votes were presented unto the Lords. Who returned answer, they did concur with the House of Commons, *in omnibus*.

Whereupon both Houses ordered, that the Earl of *Holland*, Sir *Iohn Holland*, and Sir *Phillip Stapleton* should forthwith repaire to *Beverley*, and present the Petition unto his Majesty.

The Message of the 11 of *July* came to the House of Peeres, after this petition was agreed on being so full an answer thereunto, as both Houses resolved to give no other answer to that Message, but the said Petition.

Resolved upon the Question. 14 July, 1642.

That all the Members of this House that have subscribed for the bringing in of Horse, Money, or Plate, do bring the same by Tuesday next, and that a Report be made then to the House who are defective herein.

Resolved upon the Question.

That the Earle of *Bedford* shall be Generall of the Horse.

Hen. Elsynge Cler. Parl. D. Com.

A SPEECH

A SPEECH delivered in the House of Commons, JULY 7th 1641. being resolved into a Committee, (So neer as it could be collected together) In the PALATINE Cause.

By Sr. SIMONDS D'EWE S.

Sir,

WE have during this *Parliament*, fallen upon the debate of the greatest, and most important affaires concerning our owne good and welfare at home, that ever were agitated, and discussed at one meeting in the house of Commons. And we are at this present, by the gracious invitation of his Royall Ma^{ty} expressed in his most just *Manifest* read unto us, resolved to take into consideration, the most sublime, and most difficult busines of the Christian World abroad: which hath for the space of above twenty yeares last past, drawen all the Kingdomes, and States of *Europe*, into an immediate or mediate ingagement: In which, there have beene twenty pitch't Battles fought, a Million of Men, Women, and Children destroyed by the Sword, by the Flames, by Famine, and by Pestilence; and that sometimes populous and fertile Empire of *Germany*, reduced to a most extreme and calamitous desolation. I have in those few spare-houres I could borrow yesterday, from the publike service of the House, recollected some particulars, which may conduce to the clearing of this great cause, being drawn out of the Autographs themselves, or out of our Records at home, or out of the Writings of our very Adversaries, and others abroad. I shall therefore beginne at the Originall it selfe, of the never enough to be lamented losse of the *Prince Palatine's* Dominions, and *Electoral* dignity: that so wee may take along with us, in our intended disputes; not onely our affections, but our consciences. It is therefore very manifest, to all that are but meanly vers't in the Cabinet affaires of Christendom; that the *Jesuites* have consulted for many yeares last past, as well before, as since the furious Warres of *Germany*, by what meanes to ruine the Evangelicall Princes and partie there. Their chiefe aime hath beene, so to divide the Protestant Princes amongst themselves, as they might be made vse of each against other, for the ruine each of other. The first occasion that offered it selfe within our memories, was the pretences of severall competitors to the Dukedomes of *Cleve* and *Iuliers*, and they failed but a very little to have executed their intended designe upon that occasion. But their hopes failing in it, they apply themselves integrally to *Ferdinand* of *Austria*, Duke of *Gratz*, a Prince not long since so poore, and of so meane a consideration to adde the waight of but one graine, to the down-ballancing of the affaires of Christendome, as his name was scarce heard off.

They find him a fit subject for them to worke upon, having from his Cradle been bredd up in an extreme hatred of the Protestant party, who professed

feffed the truth. They refound nothing into the eares of the old Emperour *Matthias*, but his Cousin *Ferdinand's* high merits, fo. as hee passing by his owne naturall brothers, and the head of his house, the *Spanish* King adopts *Ferdinand* of *Gratz* for his sonne, so to prepare a way to make him the successor of his Scepter, Crown, and Purple.

Then were the sacred Dyets of the Empire, the ancient meanes to reconcile differences, and prevent jealousies, as often dissolved abortively as called insincerely. Rumours were spread of practices and designs against the Protestant Princes and Cities. And that those rumours might not vanish in smoake, the Liberties of the great and ancient Citie of *Stratsburgh* were oppressed. The Protestant Princes seeing materials and engins on every side, prepared for their ruine; were necessitated to meete at *Heilburn*, and there to conclud an union amongst themselves.

This gave the *Jesuites* an assured hope, of making *Germany* speedily miserable by a calamitous Warre; for not onely the *Pontifical* Princes, tooke the opportunitie to settle a Catholike league, as they call'd it amongst themselves: but also, the *Elect*or of *Saxony*, like a true *Pseudo-Lutheran*, neither Protestant nor Papist, shewes as good an affection to the Catholike league, as the Evangelike union. The old Emperour *Matthias* begins now to act his part, and the *Jesuites* spurre on their ready Scholler *Ferdinand* of *Gratz*, to ascend the bloody Theator they had so long designed him. Through the old Emperours intercession, abusing the *Bohemian* Protestants credulity, with Sugred flatteries and large promises, he is admitted to the Crown of that rich Kingdome; which soone after made way for him unto the Crowne of *Hungary* also. The *Jesuites* and the *Spaniard* did now onely want a faire occasion to begin a Warre in *Germany*. The Emperour *Matthias* labours with the Protestant Princes, to dissolve their Vnion; which not taking effect, the Bishop of *Spiers* is encouraged under hand to pick a quarrell with the Prince *Elect*or *Palatine*, and to build a strong Fortresse upon his neighbours Territories, pretending hee had right to that plott of ground, upon which the said Fortresse was raised: but an higher providence did not suffer this Sparke to set *Germany* on fire, though it had been kindled at the Prince *Elect*ors owne doore (to affront and provoke him) for he by an incredible celerity, did cause the said Fortresse to be demolished before the Enemy could fit and furnish it for his intended use, which made him sit still, and studie for a new occasion, which that it might not be long wanting; the Liberties and Priviledges of the Protestants in *Bohemia*, contrarie to their new King *Ferdinands* oath, were temerated; and by that meanes in the Yeare 1619. the greater part of the Estates of that Kingdome were necessitated after mature deliberation to abdicate him, and to elect, *Frederick Prince Elect*or *Palatine* for their King.

And thus are we arrived at that sadd period of time, upon which so many fatalities have ensued, in which we may see evidentlie; that the *Prince Elect*or *Palatine* was not causallie guilty of any part of that Ocean of bloud, that hath beene since spilt in *Germany*, as the *Pontifical* side pretend he was. The Scene was long before prepared by the enemies of the Truth; and the Kingdome of *Bohemia* was filled with armes and hostilities diverse monthes, before

before his accepting of that Crowne, when himselfe laboured by an earnest Meditation, to have given a peaceable issue to those bloudie beginnings. It was the Honour, and greatnesse of that matchlesse Princeesse that he gained heere, and the considerable succours they expected from hence, that especially drew the *Bohemians* to that choice. It therefore concernes us now at length, to provide that the *Prince Elector* himselfe, and the other *Princelie Branches of that great Familie* (being the second without question, if not the first, and most-Ancient of the Empire) extracted by their last match, from the Royall line of *Great-Britaine*, should not under colour of their Fathers accepting that Crown, to which they now pretend no title, be for ever despoiled of their ancient inheritance and Electorall dignitie: to which calamitie they had never been reduced, had not the *French King* at that time forgotten the old Maxime of his Predecessors, which was to keepe even the ballance of *Germanie*, to which also did most fatallie concurre, the *Duke of Bavarias* ambition betraying his owne bloud, and the *Duke of Saxonie*s taking of Armes against the Evangelicall partie. By this meanes and the advancing of *Spinola* with the *Spanish* Armie out of the *Nether-Lands*, was not onely the Kingdome of *Bohemia* lost in a few monthes, but the *Palatinate* also, excepting some few places of strength invested by the Enemie, and that poore people left to slaughter, calamitie, and desolation. The correspondence of some ill Ministers of this State abroad, with those of *Forraine* states here, assisted by some fatall instruments at home, furthered all this mischief at the instant putting this state in hope of a Match when supplies should rather have beene sent from hence, to have preserved at least the *Electoral* Territories from an invading power. It is true, that the *Spanish Match* had been generally treated off, some five or six yeares before this fatall fire kindled in *Germany*, being first set on foote by the Duke of *Lerma* under *Philip of Austria* the late King of *Spaine*: but now it was effectually advanced and fortified with a conjoynted treatie of accommodating the *Palatine* cause without effusion of bloud. This and much more appears in the Originall journall-bookes of the two houses of Parliament in *Anno 21. Iacobi Regis*, which I have so far perused, as so short a time would give leave; and though that matters are there set downe at large, especially in the Records of the House of Peers, yet I have abstracted it into so narrow a compasse, as may well sort with the little spare time of this House to heare it. The relation was first made at *White-hall* during that Parliament, in the presence of the greater part of both the said houses, on *Tuesday Febr. 24.* and it was afterwards Reported upon *Friday* the 27. day of the same moneth next ensuing, in the Lords house, by the then Lord-keeper, and in the house of Commons, by *Sr. Richard Weston*, at that time Chancellour of the Exchequer. It is ther at large set forth, that his *M^{ties}* Royall Father, having had severall faire promises from the Emperour *Ferdinand* the 2d. and the King of *Spaine*, of a peaceable restitution of the *Palatinate*, caused not onely such considerable forces, as were then remaining in *Germanie* under the *Prince Electors ensignes* to disband; but procured also, some places of strength in the *Palatinate it selfe*, to be surrendered and consigned over in trust to the late *Infanta of Spaine*. But in the yeare 1622.

our late Royall Sovereigne King *James*, upon his Ambassadors returne from *Bruxels*, having discovered the Emperours intentions to be full of insinceritie and deceit, wrote his Princelie Letters bearing date at *Hampton-Court* October. 3. 1622. to the (then and still) Earle of *Bristow* his M^{ties}. extraordinarie Ambassador in *Spaine*; to let him know that he now perceived little sincerity in all the *Spanish Kings* promises, for the peaceable restitution of the *Palatinate*, by whose onely meanes he had suffered the same to be lost to the Emperour, and that therefore he should presently presse that King either to give a full and direct answer, under his hand and seale, for the restitution thereof; or else to joine his Armes with his M^{tie}. against the Emperour for the recoverie of the same: But this matter as it further appears by the Originall Journall-booke of the Lords house, being either not thoroughly pressed, or notably dissembled. So many delaies ensued one upon the necke of another; as in the issue it drew his Royall Ma^{tie}. then *Prince of Wales*, to undertake that dangerous and remote journey unto that Nation, which hath bin the long and hereditarie enemy of *England*. This Journey, was chiefly undertaken by so great a Prince to add an end, one way or other, to that unfortunate treatie, and his staie in *Spaine* so long, did causally proceed from his earnest desire to have effected a peaceable restitution of the *Palatinate*, and therefore I doubt not, but he shall now live to verifie that excellent, and Heroicke expression, which he made to the *Conde de Olivarez* a little before his comming out of that Kingdom.

Looke for neither Marriage nor friendship, without the restitution of the Palatinate.

And I assure my selfe, that the force and power of great *Brittaine*, which was lately by subtile and wicked instruments, divided against it selfe, being now Vnited in one againe, will bee able to effect such great and considerable actions, as shall render his Ma^{ties}. Name and Raigne glorious to all posterity. The two houses of Parliament, at that time received the before mentioned declaration, with so much resentment, as having first rendred glory to God that had so seasonably discovered the *Spanish-frauds*, and next their humble acknowledgements to their then gracious Sovereigne, for requiring their Counsels in a businesse of so great importance, they did unanimously advize him to breake off the said two treaties touching the marriage, and the restitution of the *Palatinate*; ingaging no lesse, then their persons and purses, for the recovery of the then *Prince Electors* ancient and hereditarie Dominions. It appeares also in the Originall Journall-booke of this house, *De a^o. 1^o. Caroli*, that this great busines was againe taken into consideration, but was finally intombed with other matters of great moment, by the fatall and abortive dissolution of that Parliament. If therefore this great Counsell of the Kingdome, did in those two former Parliaments, account the restitution of this Illustrious and Princely family to bee of such great necessity for the preserving of true Religion abroad and securing our selves at home, as to ingage themselves for an assistance therein; certainly wee may vpon much better

better grounds vndertake the same now, when I assure my selfe we may goe as farre with a thousand pounds for the present as we could have done with ten thousand at that time, for let vs but take a short view of the estate of Christendome, what it was then, and what it is now, and we shall easily perceive a great alteration in the ballance thereof.

In *France* where *Monsieur de Luynes* did then rule all, being himselfe acted by the Popes Legate, that King contrary to the examples of *Francis* the first, *Henry* the second and of *Henry* the Great his own Father and contrary to the maximes and interest of that State and his owne safety, advanced the formidable power and spreading greatnes of the House of *Austria*: but now the same *French* Kings eyes have been so opened, that shaking off the former unhappie slumber hee was in, hee hath by his armes and power to his immortal honour and glory for divers yeares last past, endeavoured to restore againe that Libertie to the *Germane* Empire, in the ruine of which himselfe had so fatallie before concurred.

The *Swedes* were then involued in severall warres or ieaiousies with the *Pole* and enforced to keepe at home to defend their owne, but now have a strong Armie and possesse divers peices of important consequence within the very bowells of the Empire.

The Episcopall Electors with the other Pontifical Princes and Prelates the sworn enemies of the Protestant Religion, were then rich and potent, but since most of their Countries and Territories have tasted of the same calamities of Warre which they had formerly brought vpon their neighbours so as now they are most of them scarce able to defend their owne, much lesse to offend any other.

The *Pseudo-Lutheran* Elector of Saxony that is causallie guiltie more then anie other single person living, of all those calamities and slaughters which have for so many yeares wasted *Germanie* and was then so liberall of his Treasure, and so forward with his armes to ancillate to the Emperors designes to the almost vtter subversion of the true Religion in *Germanie*, is now after the reiterated temeration of his faith and promises, the fatall survivor of the severall devastations of his owne Cuntrie and dominions: So as all those vast difficulties and great dangers which might well have retarded the forwardnes of those two former Parliaments the first being held in the 22. yeare of his Maiesties roiall Father, and the latter in his owne first yeare, being now removed, wee have greater encouragements then ever to concurre with our sacred soveraigne in the assering of this his most iust and princely Manifest.

For mine owne part I expect no good issue of the present Treatie at the Diet of *Ratisbone*, I know the Duke of *Bavarias* ambition too well, ever to imagine that he will part with those large revenues, and much lesse with the Septem-virall dignitie and suffrage hee hath obtained by the Prince Electors calamitie and misfortune; vnles it be extorted from him by force of armes. My humble advice therefore is, that wee send vp to the Lords to desire a speedy conference with them, in which we may acquaint their Lordships how farre we have proceeded in our approbation of his Maiesties most royall Manifest, and to move them to concurre vnanimously with vs therein.

Two SPEECHES spoken by Sir SIMONDS D'EWEES. The first touching the Antiquity of CAMBRIDGE, lately published by IOHN THOMAS, with many ignorant and foolish mistakes which are here rectified. The other concerning the Priviledge of PARLIAMENT in causes Civill and Criminall.

THE Bill of four Subsidies for the reliefe of the Kings Army, and the *Northern* Counties having been drawn by a Committee. *Cambridge* was placed before *Oxford* in the same. After it had been read the second time in the House of Commons it was committed to be disputed, and debated in a grand Committee of the whole House, which said grand Committee did accordingly debate the same Bill (as at other times) on *Saturday, January* the second, 1640. in the afternoone, and when it came to that clause where *Cambridge* was placed before *Oxford*, Sir *Simonds D'Ewes* spake in effect following, having only a few fragmentary notes by him to have prevented the putting of a question for the alteration.

I stand up to perswade if it may be the declining of the present question and the further dispute of this businesse. Yesterday wee had long debate about the putting out of a word, and now we are fallen upon the dispute of putting one word before another. I account it no honour to *Cambridge*, that it got the precedence by voyces at the former Committee, nor will it be any glory to *Oxford* to gaine it by voyces here, where we all know the multitude of Burrough Townes of the Westerne parts of *England* doe send so many Worthy members hither that if we measure things by number and not by weight, *Cambridge* is sure to loose; — I would therefore propound a more noble way and meanes for the decision of the present controversie, then by question; In which, if the Vniversitie of *Oxford*, (which for mine owne part I doe highly respect and honour) shall obtaine the prize, it will be farre more glory to it then to carry it by multitude of voyces, which indeed can be none at all. Let us therefore dispute it by reason, and not make an Idoll of either place, and if I shall be so convinced, I shall readily change my Vote wishing we may finde the same ingenuity in the *Oxford* men.

There are two principall respects besides others, in which these famous Vniversities may claime precedence each of other.

First, in respect of their being, as they were places of note in the Elder ages.

Secondly, as they were ancient Nurseries and seed plots of learning.

If I doe not therefore prove that *Cambridge* was a renowned Citie at least 500. yeares before there was a house of *Oxford* standing and whilest brute beasts fed, or Corne was sowne on that place, where the same Citie is now seated. And that *Cambridge* was a Nursery of learning before *Oxford* was knowne to have a Grammar Schoole in it, I will yeeld up the bucklers. If I should loose time to reckon up the vaine allegations produced for the Antiquity

quity of *Oxford* by *Twyne*, and of *Cambridge* by *Caius*; I should but repeate *Deliria senum*, for I account the most of that they have published in print to be no better. But I find my authoritie without exception, that in the ancient Catalogue of the Cities of Brittain, *Cambridge* is the ninth in number, where *London* it selfe is but the eleventh, and who would have thought that ever *Oxford* should have contended for precedence with *Cambridge*, which *London* gave it above 1200. Yeares since. This I finde in *Gildas Albanus* his Brittainish story, who did about the Yeare 520. being the ancientest Domestike Monument we have, Pag. 60. And in a Saxon Anonymous storie written in Latin, touching the Brittaines and Saxons, Pag. 39. who saith of himselfe, that he lived in the dayes of *Penda* King of the *Mercians*, in the tenth yeare of his Raigne, and that hee knew him well, which falls out to be neare upon the Yeare 620. And lastly, I finde the Catalogue of the said Brittainish Cities with some little variation to be set down in *Nennius* his Latine story of *Brittaine*, p. 38. and he wrote the same as he saies of himselfe in the Yeare 880. They all call it *Cair-grant* The word *Cair* in the old Celtique tongue signifying a Citie.

These three stories are exoticke and rare Monuments remaining, yet only in ancient Manuscripts amongst us not known to many but the authoritie of them is irrefragable and without exception. The best and most ancient Copies that I have seene of *Gildas Albanus* and *Nennius* remaine in the Vniversity Library of *Cambridge*, being those I have vouched, and the Saxon *Anonymus* in a Library here neare us. This *Cair-grant* is not only expounded by *Alfred* of *Beverley*, to signifie *Cambridge*, but also by *William de Ramsey*, *Abbot* of *Croyland*, in his Manuscript story of the life of *Guthlacus* ignorantly in those elder dayes reputed a Saint. The said *William* goes further, and sayes it was so called a *granta flumine*. This place remained still a Citie of Fame, and repute a long time under the raigne of the English Saxons, and is called in diverse of the old Manuscript Saxon Annals *granteceaster*. And notwithstanding the great devastations it suffered with other places, by reason of the *Danish* incursions, yet in the first Tome or Volume of the booke of *DOMESDEI* (for now I come to cite Record) it appeares to have bin a place of considerable moment having in it *Decem Custodias* and a Castle of great strength and extent, and so I have done with *Cambridge* as a renowned place.

And now I come to speak to it as it hath bin a Nursery of learning, nor will I begin higher with it, then the time of the Learned Saxon Monarch King *Alfred*, because I suppose that no man wil question or gainsay but that there are sufficient testimonies of certain persons that did together in *Cambridge* study the Arts and Sciences much about the time. And it grew to bee a place so famous for learning about the time of *William* the first, the *Normane* that he sent his younger son *Henry*, thither to be there instructed who himselfe being afterwards King of *England* by the name of *Henry* the first, was also surnamed, *Beauclerk* in respect of his great and invulgar knowledge, If I should undertake to alledge and vouch the Records and other Monuments of good authority which assert and prove the encrease and flourishing

flourishing estate of this Vniversitie in the succeeding ages, I should spend more time, than our great and weighty occasions at this present, will permit; It shall therefore suffice to have added, that the most ancient and first endowed Colledge of *England* was *Valence* Colledge in *Cambridge*, which after the foundation thereof as appears by one of our *Parliament* Rolls, remaining upon Record in the Tower of *London*, received the new name or appellation of *Pembroke-Hall*. It is in *Rotu. Parliam. de An. 38. H. 6. Num. 31.* It appearing therefore so evidently by all that I have said that *Cambridge* is in all respects the Elder Sister (which I speak not to derogate from *Oxford*) My humble advice is that we lay aside the present question, as well to avoyd division amongst our selves as to intombe all further emulation betweene the two Sisters, and that we suffer the present Bill to passe as it is now penned, and the rather because I thinke *Oxford* had the precedence in the last Bill of this nature that passed this House.

A Speech spoken by Sir SIMONDS D'EWEES, (so neare as it could be collected together) touching the priviledge of PARLIAMENT in causes criminall and civill. At a Committee of the House of Commons in the GUILD-Hall in LONDON on the sixt day of JANUARY 1641.

S I R;

I Perceive that the maine doubt upon the late questioning of some of the Members of the House of Commons is whither or no there be any priviledges of Parliament in matter of * Treason or other capital offences, in which I cannot deny but that there is a common saying (and yet more common then erroneous) That priviledge of Parliament doth not extend to Felony and Treason; For there is a double priviledge of Parliament, the one finall, and the other temporarie. Our finall priviledge extends to all civill causes and Suites in Law, and that continues during the Parliament. The other priviledge that is temporary extends to all Capitall causes, as Treason or the like, in which the persons and goods of the members of both Houses are freed from seizure till the said Houses be first satisfied of their crimes, and so doe deliver their bodies up to be committed to safe custody; and the reason of it is evident because their crime must either be committed, within the same houses or without them; as for example if any member of the House of Commons be accused for treasonable actions or words committed or spoken within the walls of the same house then there is a necessitie that not only the matter of fact, but the matter of crime also, must bee adjudged by that house; for it can appeare to no other Court what
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* Vide Rot. Par. de An 31. & 32. H. 6. n. 27.

was there done in respect that it were the highest treachery and breach of privilege for any Member of that House, to witnes or reveale what was there done or spoken without the leave and direction of the same House. And if it be for treason committed out of the House, yet still the House must bee first satisfied with the matter of fact; before they part with their members, for else all privilege of *Parliament* must of necessitie bee destroyed, and by the same reason that they accuse one of the said Members they may accuse fortie or fiftie, upon imaginary and false Treasons, and so commit them to custody and deprive the house of their Members; whereas on the contrary side the House of Commons hath ever beene so just as to part with such Members when they have beene discovered. As in the *Parliament de Anno 27. of Queene Elizabeth*, Doctor *Parry* being a Member of the House of Commons, had no Articles of Treason preferred against him till the House had discomposed him from being one of their members, and that the chiefe heads and branches of the said Treason had beene made knowne unto the House partly by his owne confession, and partly by other proofes; and yet if ever Treason required a speedy tryall, that did, for it concerned no lesse then the murder and affassination of the Queen her selfe, [See the originall Journall booke of the House of Commons, *de Anno 27. Regin. Eliz. pag. 85. & pag. 103.*] And so likewise in Master *Copleys* case in the *Parliament* in the last yeare of Queene *Mary*, who spake very dangerous words against the said Queene; yet it was tried in the House of Commons as appeares in the originall Journall booke of the same House, and the said Queene at their intreaty did afterwards remit it. But for the case of these Gentlemen that are now in question it doth not yet appeare to us whether it bee for a crime done within the Walles of the House of Commons or without, so as for ought wee know the whole Judicature thereof must first passe with us, for the LORDS did make an Act Declaratory in the *Parliament, Roll de An. 4. E. 3. Num. 6.* that the judgments of Peeres only did properly belong to them, so as I hold it somewhat cleere, that these Gentlemen cannot bee condemned but by such a judgement onely as wherein the Lords may joyne with the Commons, and that must bee by Bill; and the same privilege is to the members of the Lords House, for wee must not thinke that if a private person should come there and accuse any of them of Treason that they will at all part with that member, or commit him to safe custody till the matter of fact be first proved before them.

Tis true indeed that upon the impeachment of the House of Commons for Treason or other capitall crimes, they doe immediately commit their members to safe custody, because it is first admitted that we accuse not till wee are satisfied in the matter of fact, and secondly, it is also supposed in Law that such an aggregate body as the House of Commons is will doe nothing, *ex livore, vel ex odio*, seeing they are entrusted by the whole Commons of *England* with their estates and fortunes. So as upon the whole matter, I conclude that the proceedings against these five Gentlemen have beene hitherto illegall and against the privilege of *Parliament*.

Certain CONSIDERATIONS upon the Duties both of
PRINCE and PEOPLE.

By Sir JOHN SPELMAN.

AMONG many intemperances that minister disturbance to the Church and State; *we have those*, whose supine affectation of flattery has grown to that impudence, as that they have not only for learnings sake disputed, but in the name of the word of God, and at the time and place when we should expect no other then the lively Oracles of God, delivered, that the persons, and fortunes of all Subjects, are absolutely at the will and command of the Prince, to dispose according to his will and pleasure. To such licentiousness, we need give no other answer, then only to demand, that the maintainers of such Doctrine, would put us but a case, wherein (those opinions of theirs being admitted) a Prince can commit any Injustice, and that they would shew us, wherein lies the justice which the Scripture commaunds Princes to execute, and which it affirms to be the establishment of their Thrones *, and the violation of it to be their adversity or subversion.

We have on the other side *those*, who finding it written, that Governours are for the good of the People, pursue it with Sophistry; That the people are the end of Princes and Governors beings: and that therefore as their government is for, or against the good of the People, so may they be continued or deposed by them. To that end also there are opinions set on foot; That all government first came from the people, and that all authority does in the last place reside in them; That in every Kingdome the whole body of the people must of necessity contain, all power and authority whatsoever either is or may be erected in it; so as that all the people or the greater part of them (which amounts to all) may by their votes, re-assume all power into their own hands: abrogate all Ordinances: annul the formes of present government: and new mould the State into such formes and institutions as best liketh them. These are falsities which yet lay hold upon reasons, and prevaile over the judgements of many that are understanding men, and which have no evill affection toward government, and these are of that consequence, as that they subvert the stability of all kind of government whatsoever.

But were we shie of *Iesuitisme*, as well as of *Popery*, we would not with so little examination receive opinions, which we know had their first hatching in the Schoole of the *Iesuite*. The matter would require a very large field, should we set forth all things that fitly conduce to the support of the truth, but my purpose is to be very short. Therefore declining to controvert what may be, and usually is alleadged in the matter, I shall humbly offer to consideration such apprehensions of the truth as I have conceived lesse vulgar, and submitting them to the approbation or correction of better judgements, expect they shall returne unto mee, with confirmation, or rectification of

* Prov. 29. 4.

of my own private thoughts; if from so meane a talent, no mite of benefit be raised to the publique.

And first, we are to consider that the originall of Kingdoms is of three sorts, to wit, Naturall, (which we may also call civill,) Violent, (or if you will, Martiall,) or mixt of these two. The first was of Parents over their children, childrens children, and servants bought or borne unto them. In this, the person of the Governour was before the being of the Subject, and his authority, before ever the Subject consented, or had power to obey or disobey. Such a King was *Shem*, called therefore *Melchisedeck*, or *King of righteousness*. And a Prince of this kind was *Abraham*, after that by Gods command he had left his Country and his father *Shems* house, and lived of himselfe, and Kings of this nature were they that were imitated in the names of *Abimelech*, *Abiam*, *Abiram*, *Abram*, *Abishalom*, &c. And this soveraignty was not inherent to the person of the Father only, but from him descended, by right of primogeniture, to the eldest sonne, * to whose rule, we see that God subjected the younger.

The second sort of Kingdoms was wholly founded by the sword, over people that were subjugated by usurpers and invaders, such as followed the way of *Nimrod*: who being potent in his naturall dominion, used his power to the oppression of his neighbours, and changed the state of government into tyranny; I say not the state of liberty, (as if till then men had lived in solute liberty) but changed the naturall government into that which is tyrannicall.

The third sort had much what the same originall with the second: where people furcharged at home and forced abroad; men in division; in distresse; in feare; exiles; and fugitives, distrusting their present condition, served themselves on the Wit, Spirit, and courage of some notable man; to whose command they (with such limitation of his power as they could agree on,) subjected themselves; and then falling into action prospered even into a Kingdom: from hence sprung our Moderne Kingdoms, more novell and various in their frame, and many of them so qualified, as not properly to be called Kingdoms, but rather Republicques under Regall stiles, with Princes elective, much circumscribed in authority, and obnoxious to deposing. Now in the first and second sort, apparantly the people had never any thing to doe, with the institution and limitation of Sovereign Power: and though in the third sort they had more to doe therewith, yet not alike in all of that sort, nor had they the whole and sole power of instituting, scarce in any of that sort, so as we must rectify that misapprehension, that in all Kingdoms the first derivation of authority was from the people.

In the next place, we are to consider; that Kingdomes are not associations of men in their naturall capacities: but communions of men *quatenus* members politique, united in one common bond of obedience into one politicall body, where none can move to give his due aid for the weale of the body, but in the capacity of a politique member, and according to the peculiar office which every severall member properly ought to execute; which office

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* Gen. 4. 7.

the members duly exercising, make a true and perfect civill Communion. Now though we consider a Kingdome as a meere Civill or temporall State only; Yet even there, the observance of this communion is a duty strictly required of every member, even by the law of nature, or morall law, and by the law of God it selfe. For man having lost his originall righteousness or justice, and consequently the right of governing himselfe; and being thereby necessarily subjected to the government of some justice, without himselfe: it was necessary, for his owne good and safety, that he should not only be subject to that justice in the things that concerned the well governing himselfe towards others; but likewise in those things that concerned his safety and defence from the violence of others misgoverning themselves towards him, and that necessarily brings in Empire. So that (unlesse we can imagine some Kingdome to consist of people sprung of themselves, in perfection of righteousness, not depending, nor obliged to God, or nature, nor obnoxious to those conditions to which the fall of man has subjected all men,) we cannot devise how men should naturally be free from subjection to government; and lesse, how (being subject) private men in any State, should in their naturall capacity, meddle with any thing concerning government; or so much as goe about the making, changing, or annulling of ordinances; or to compell Governours to doe them, without being criminally culpable, not only against the positive lawes of the land, but even against conscience pressed with the bonds of naturall, or morall, and also divine law. Therefore to explicate the sense which all intend, but some (not well distinguishing) confound: It is certainly true, that all the people of a Kingdome must needs comprehend all power whatsoever is, or may be exercised in it: but when we say so, we by all the people, meane the whole entire body of the members politique, from head to foot, every one of them abiding and working according to his proper and ordained office politique. But if beside their ordained office and power, any shall do or attempt any alteration in the State, (howsoever intended for common good) their acts must needs be so farre from being lawfull, as being from the beginning repugnant and resisting the ordained power, it can never become a lawfull act, though all the Subjects of a Kingdome should after consent unto it.

But in the third place, we are farther to consider: That if the Kingdome be also a Church of God, then is the originall, and authority of it, of farre higher nature, and more remote from the reach and power of the people. *It is true*, God is King of all Kings, and highest Sovereigne in all Kingdomes, as well Heathen as Christian: *yet as* he cautioned in the behalfe of his Church, that no stranger should be King there, but by any meanes one that was of the Brethren of the people: *so* in His Church, He himselfe is a neerer and (as it were) a more cognate Sovereigne, then in other Kingdomes; and his Vicegerents there, are of more immediate and more important subordination to him. For which cause he there reserves to himselfe the choice of the man, and leaves the people no more then the bare investing of him. *Not* but that God in all Kingdomes, makes Kings whom he pleaseth; *but* he will have it known, that in his Church, the choice is not only his, and to be sought at his hand, but that he more strictly requires the observance
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of his right in his Church; then he does elsewhere. Therefore he expressly commands there; * *Thou shalt in any case set him over thee, whom thy Lord thy God shall chuse.*

And as in his Church he to himselfe reserved the nomination; so when he had nominated, he did not leave it to the people, there to declare the right and manner of the Kingdom: but by the Prophet by whom he signified his choice, by the same was the manner of the Kingdom declared to the people, written in a book and † *laid up before the Lord.*

Kings of Gods Church, having from God a more immediate and more sacred ordination, have also a more especiall endowment of his spirit, for which cause they have beene instituted with *annointing*, and their persons therewith consecrate, for the exercise of their function. This we see in *Saul*, whose person (though he were a wicked Prince) *David* in this respect declared so sacred, as that he pronounced a curse upon the Mountaines of *Gilboa*, because in them his person was cast downe and vilefied, without regard of the sacrednesse of his annointing. *Their annointing therefore* is not a meere outward solemnity, but is significant of the spirit of God in a more especiall manner given unto them, and from thence proceeds that which the Scripture witnesseth, § *A divine sentence in the lipps of the King*, yea, and a sacred integrity also, *His mouth transgresseth not in judgement.* And suitable to their Prerogative of graces, beyond the ordinary of other Princes, God vouchsafes them his eare, with more favour and familiarity then to the other, as we may see by his ready hearing, gracious answers, vouchsafed messages sent, and will declared touching them; not only to the good, as *David*, *Salomon*, *Asa*, *Iehosaphat*, *Hezekiah*, *Iosiah*, &c. but even to *Conia*, *Saul*, *Ieroboam*, *Abab*, *Jebu*, and other wicked Princes. And we not only heare God himselfe saying, || *by me Kings Raigne*; ** *and I have said yee are Gods*: but his word couples also the feare that is to be rendred unto Kings with the feare that is due unto himselfe, *Feare God and the King. Keepe the Kings Commandment, in regard of the oath of the Lord.* Nor is it ordinary obedience that is commanded, but the highest (under God) †† *Submitt unto the King, as unto the Supreame.* And that not for the danger that may ensue, but (as the Apostle faith) §§ *Not for wrath only, but also for conscience sake.* Now if the King be supreame, then is there in no Kingdome any superintending power or authority, that may lawfully call the King to account: for that power only is the supreame, over which there is not any other to take account. So high and sacred is the authority of them whom God has made, ||| *nursing fathers, and nursing mothers*, to his Church.

When Kings then, both in their Persons, and Functions, are of so sacred an ordination, and so hedged in, by Gods especiall protection; where is there place for the people to interpose and meddle with the affaires that doe belong unto them? besides, when without the Kings consent there can be no concurrence

* Deut. 17. 15. † 1. Sam. 10. 25. § Prov. 16. 10. || Prov. 8. 15.
** Psal. 81. †† 1. Pet. 2. 13. §§ Rom. 13. 5. ||| Es. 49. 22.

currence of people, to joyne in any accord for the disposing of any affaires of the Kingdome, but that the matter must first passe the project, sollicitation, and prosecution of diverse private men, no way thereunto authorized: how can any act of the people to such an end be justifiable, when an unlawfull beginning, (what number or quality soever the attempters be of) can never make a lawfull act? Therefore omitting those places of Scripture, * *It is not fit to say to a King thou art wicked, Who may say to a King, † what doest thou? ‖ Feare God and the King, and meddle not with those that love innovation:* And many others (which yet block up the way against private mens meddling with matters of government.) If it were to be granted that the people in any Kingdome had power over all rights of the Kingdome; yet unlesse that by the Ordinances of that Kingdom, it be expressly declared and appointed, how, and by whom, that power shall be executed, (and by the way, where such Ordinances are, there is not a right Kingdome, but a Republique) and againe, unlesse those ordinances be rightly pursued, there can be no combination, to doe any such act, but with the guilt of Sedition, and Treason, in the sight of God. For it will lye against every particular man, betweene God and his conscience to answer, who hath called thee to this? who hath separated thee? who hath made thee a Iudge or an Executor of these matters? *And though* it be pretended (and perhaps intended too) that the worke so to be done shall make for the glory of God and good of his Church: yet that will but little helpe the matter; for, for men to doe God a good office against his declared will, is to be Gods good maisters, not his good servants. He does expressly command, that § *Every soule be subject to the higher powers;* and declares plainly, that *the powers that are, are ordained of God, and that they that resist the power, resist the ordinance of God, and receive to themselves damnation:* and our Saviour himselfe forbids us, that we *doe not evill, that good may come thereon.* The Scripture tells us the reason, for God ** *hath no need of a wicked man,* and he is best glorified when his voyce is obeyed. We have also the examples of Scripture to the same purpose. It did not only turne to sinne to Saul, that he, to satisfie the people in their devotion, spared the best of the *Amalekites* spoile to offer in sacrifice unto the Lord, when God had commanded that all should be destroyed: but it became a finall sinne even unto his rejection. And *Uzza* was stricke with suddaine death, for nothing but putting *† his hand to the Arke of Gods Covenant: (which no man but the sonnes of *Aaron* might doe) yet *Uzza* did not doe it, but with a good and pious mind to save the Arke of Gods Covenant from falling. Therefore it is not enough for men to be assured that the worke which they doe, in their consciences tends to a good and a religious effect: but they must every man have a sufficient warrant for his conscience, and for his calling to the worke; that is, either the expresse word of God, or else such manifest inference and deduction from it, as by the concurrent judgement of the Church universally in all ages, is agreed for truth, not such judgment as some particular

* Job. 34. 18. † Eccl. 8. 4. ‖ Prov. 24. 21. § Rom. 13. 1, 2. ** 1 Sam. 15. 22. *† 2 Sam. 6. 6. 1 Chr. 13. 10.

cular ministers take upon them to make, for the * *spirit of the Prophets, are subject to the Prophets*; that is the spirits of the particular, to the spirit of the universall: *For God is not the author of confusion*, which else would necessarily follow. *Men therefore must looke to the ground and first beginning of their actions*; for if the root be evill, so will also the branches be, though it promises never so good fruit, and be countenanced by all the people of a Kingdome.

If further we looke into Scripture; The story of *Moses* is not without some doctrine to this point. *Moses* having an ardent zeale to the reliefe of his brethren the people of God, and finding himselfe above others inabled to be the instrument of their deliverance, both by his extraordinary abilities, and also through the great power he had with † *Pharaoh's* daughter, perswades himselfe, and (as appeares by St. *Stephens* relation) would have the people understand, that he was even then called to be their deliverer. Hereupon he makes his addresse to the people, and by the slaughter of one of their oppressors, takes say of their affection toward an attempt of liberty, as if there needed no more in the case, but that the people should resolve, and joyne with him to breake from the subjection of the King they lived under, who was an enemy to Gods Church. In this now, (though we make no question but that *Moses* had a zeale acceptable to God) yet may we see by that which followeth, that he had not yet a particular calling thereunto, neither was the way wherein he thought to have executed his zeale agreeable to the will of God; therefore the people themselves (whom *Moses* only sought unto) they reject him: his attempt is frustrate, and himselfe is driven to repent it with forty || years exile in the wilderness. After that long space of expiating the error of his selfe-led zeale, God calls him then indeed to the worke to which he came of himselfe before; § *Come now* (saith God) *and I will send thee*: and God sends him then indeed; but sends him not to the people (that we may know he sent him not before) but (though he could have made the people able to make their owne way by the sword, and could by his command have made it lawfull so to have done) yet (to teach us the observance of justice and duty, in our proceedings) he sends him to the King, of him to demand the dismission of his people, that so the peoples obedience to his messengers, and to the word delivered in his name, might be without any reluctance of conscience in regard of their allegiance to the King. When *Moses* did this way set upon the worke, all went the right way, and the unspeakable obstinacy of King *Pharaoh*, being aggravated by the fairnes of proceedings toward him, did to his condemnation before men and Angells, and to the magnifying of Gods justice redound the more unto his praise and glory.

It is not inconsiderable that God by a Starre declared our Saviour in his birth to be the borne King of the Iewes; and in that stile brought the wise men to worship him. And likewise, that when our Saviour (to fulfill the prophesyes concerning him) did solemnly present himselfe to *Ierusalem*: he suffered

* 1 Cor. 14. 32, 33. † Acts 7. 25. Exod. 2. 12. || Acts 7. 30. § Exod. 3. 10.

suffered his Disciples publicly to congratulate his coming by the name of King, and told those that were offended at it, that their gratulation was so necessary, as that if they should omit it, the stones in their default would have performed it also. That he himselfe before *Pilate*, maintained that he was a King, and at his death had his Crosse (notwithstanding the Iewes opposed) adorned with the Title, King of the Iewes: *but when* the people would have made him King, he refused their officiousnes and would by no meanes accept of that dignity from them: he would rather be without his right, then receive it either in a wrong way, or from a wrong hand: no, he would not at any of their instances so much as acknowledge himselfe to be authorized for a judge or divider amongst them. So little did he acknowledge any power in them to conferr crownes, or to have superintendence over them. *But it is true*, that when God had determined to make a division of the Kingdome of his people, the first King of the ten Tribes was of the peoples making, and was made in the way of reformation: * but that you may know it was only permitted by God, that so he might give that stiff-necked people of the fruit of their owne hands, and make them an example unto others; he designed *Ieroboam* King, with neither annointing, nor blessing, nor other ceremony then a rent: the Prophet rent the new coate into twelve pieces, and when he had done, he gave him none of them, but (as if he would shew he should be a King in fact, not in right, in some way in which God would own nothing but the permission only) he bad him (as one would say) be his owne carver, and *take ten pieces to himselfe*. What the progresse of the story was we all know; when the people had made a King of their own, then they and their King must have a Religion of their own fitted to their new framed Kingdome, and to effect that, the old Priests of God must be sent away, as absolute impediments to the setting of their new government: and when that was done; then were they absolute indeed, and had as much authority over their God, as they before had taken liberty against their King: so it followed, that when the People had made an usurper King, their King and they made a Calfe their God; and the summe of the peoples reforming their Kings misgovernance, and relieving their own grievances, was; they made themselves a King that made them all castawaies: he himselfe the reproach of Sovereignty, and an infamous stigmatique to all posterity, and his finnes for ever adhering to the People, till they had caused their utter extirpation, and till of free-borne Subjects under a King of their own, they became perpetuall slaves to the Subjects of another Kingdome. *So unpleasing to God, and so pernicious to the people themselves*, are the fruits of those reformations which only or principally are managed by the popular inclination, in which, though for the most part a desire of doing justice, or preserving true religion be pretended; yet private discontent in some, and ambition in others, is commonly the chief and radicall incitement of the work.

The means that belongs to private men to use, for reforming of Kingdoms, is that which the Apostle shewes, † *Let prayers, (saith he) and supplications be made*

* 1 King. 12. 4.

† 1 Tim. 2. 1.

made for Kings and all that are in Authority, that we may lead a Godly life. The people must not with impatience and puffed up mindes invade Gods peculiar right, of calling Kings to account, but every man betaking himselfe to the reformation of himselfe, and to prayers unto God, must seek of him (* *that has the hearts of Kings in his hand*) to dispose the Kings heart to the desired reformation. Many think this way long and tedious, and like better that the people should *Offer themselves willingly*, and help God in some readier way. But truly if such private reformation and prayer be the right means of publique good, and be too long neglected, that is the peoples own fault; and they may not by their fault, gaine a power which before they had not. *Yet true it is*, that in great misgovernances, God often uses the peoples hand, to doe his work of Iustice, *but that* we may know the way is not right, as not agreeable to his revealed will; we shall find that the work of justice that he so beginneth by them, he endeth not till he hath finished it on them, and his hand is never more heavy, then against that rodd, that in the way of injustice, hath done his justice service. But will you heare God himselfe taking cognisance of the misgovernance of Princes, and determining of it?

In the 81. *Psalme*, God declares himselfe to *stand in the congregation of Princes, and to be judge among Gods* (so calleth he Kings there.) Then he expostulateth the matter with wicked Princes, *How long will ye give wrong judgement and accept the persons of the wicked?* Then he complaineth, *They will not be instructed, but walk on in darknesse, the foundations of the earth are out of square.* The misgovernance is great and the consequence of it desperate, but does God in that case give the people power to reforme? No clean contrary: God without any revocation still affirmes, *† I have said ye are Gods, and ye are all children of the most high*, persons sacred, not to be approached by the prophane hands of the people: but to awe, and restraine Princes, he tells them, that though he has made them Gods, yet *they shall dye like men*, when they must make account to him of their misgoverning: *so that God reserves* the judgement of them to himselfe, and no whit authorises the people to have any thing to doe with their misdoings.

This is not to flatter Princes, to say God has appointed men no meanes to relieve themselves against their misgovernment, but only praiers, to be made either to them, or for them: and that men have not otherwise to meddle with the rights of liberty and duties of Princes, then only by way of supplication. *Nor is this a security* for Princes, for though in a lawfull and ordinate way there be no other means, yet no examples are more familiar, then those in which the sinne, the injustice, and violence of wicked Princes, are in this world punished, by the sinne, injustice, and violence of wicked people, sometimes their own, sometime others subjects, Gods extraordinary and supream justice is tied to none of those regulations, with which he has circumscribed his ordinary justice committed to the administration of man, but (as we said before) we may still observe Gods indignation, not more fatally incensed

VOL. II.

L

* Prov. 21. 1.

† Vers. 6.

incensed against any, then against those whose wickedness has put them forward to be the instruments of his extraordinary justice upon others.

But to pursue the examination of the right that people may have in questioning and reforming the rule of Kings. *Let us farther* examine what we find in Scripture. *David* sinning by numbring the people, was enforced to his choice of one of three plagues, Famine, Sword, or Pestilence; & *Deus malum avertat*, this is but a dolefull instance for the people. The King finnes, and God laies all the punishment upon the people: Nay he gives not them so much as the choice of the punishment which they must suffer for the King, but the sinning King must choose, which of the three plagues, the innocent people must undergoe: this is strange, did not *the great judge of heaven and earth do right?* yes undoubtedly, and the matter was; the * wickedness of the people had grievously provoked God, so as the King must be let goe, and suffered to fall into sinne, that way may be made for the peoples punishment. This seems no lesse strange on the other side; that because the people sinne, therefore the Prince should be let fall: that for the transgressions of the land, the Prince (as we have it in another place) should be punished with division and diminution, and *many should be the Princes of the land*: Nay, that for the sinne of the people, the Prince should be cast away, as in that place, † *If ye doe wickedly ye shall perish, you and your King*. All this were strange indeed, should we consider Prince, and people, as persons strangers in interest to one another: but therefore these places shew the strict union, and indivisible mutuality of interest, that they have in the doings and sufferings each of other, beyond any thing that can be created by the meer constitution or agreement of men.

This case of David's further teaches; that if when the finnes of the people be grown high, it be any way necessary that the King be let fall into sinne before the People be punished: then are Kings immediately between God and the people, and stand there like *Moses* in the gap, to with-hold the hand of God from the people, untill that they also by falling someway be removed. *Again*, if the Kings transgression in government has the originall from the finnes of the people, then are the People the prime offenders, and first agents in the Kings transgression, and He himselfe is as it were accessary, and in a manner passive in it. We see that God himselfe here judged so, and laid the reall punishment upon the people, whom he accounted the originall sinners: as for the King (to whom the sinne is verbally ascribed) we see God reckons, as if he were only passive in committing it, and therefore inflicts no punishment on him, but what he voluntarily took upon him, an humbling of himself, and a compassionate fellowfeeling of punishment, such as a good common father has alwaies by the sense of his peoples suffering.

It now followes plainly: that the people that have their hands in sinne, are no competent Iusticiars for hearing, judging, and reforming of any misdemeanours; especially of those in which they themselves (having the principal hand)

* 2 Sam. 24. 1.

† 1 Sam. 12. 25.

hand) are the principalls; and leffe, where the person questioned, is but an accessory, drawn in by them: and least of all, where he is a person sacred, and one so much superiour, as by Gods ordinance to stand immediatly betwixt God and them, sure, he that would not suffer one with a beam in his eye, to pull a moat out of the eye of his brother; does not permit him to doe it toward one so much superiour as his Prince: nor suffer guilty Subjects to arraigne their soveraigne; guilty servants, their Lord; nor guilty sonnes their common father.

To conclude, we may consider the unlawfullnesse of popular animadversion into the manners and government of Princes, (especially of Princes that are lawfull Christian Monarchs) even in this alone, that there are no received, nor known bounds of limitation, how farre people may walk in the way of questioning and reforming the errours of Princes, but that if any thing at all be lawfull for them to do therein, then may they without restraint proceed so farre as to depose Princes, and deprive them of their lives, if (according to the doctrine of the Iesuite) they finde it for the good and reformation of the Church and Commonwealth, which how well it is warranted by the word of God, we may see plainly enough in the case between *Saul* and *David*.

Saul was King, but, misgoverning himself and the Kingdom, became as bad as excommunicate and deposed: * for he was rejected of God, and *David* was by Gods expresse command annointed to be King, all which notwithstanding; neither *David* nor the people ever sought to depose him; to renounce obedience unto him; to combine against him; question his government, or so much as meddle with ordering any of the affaires that belonged to the King. Nay, *Saul* after this persecuted *David* unjustly, and in the midst of his unjust and hostile persecution, was delivered into *David*'s hand, and, it was of necessity that *David* should take the advantage and kill him, for he could not otherwise have any assurance of his owne life: *David* did then but even cut of the skirt of *Saul*'s garment, to the end it might witnesse his faithfull loyalty, because it made it manifest he could as easily have cut the thread of his life; and even for this, his heart so smote him, as that he cries out, † *The Lord forbid that I should doe this thing to my Maister the Lords annointed, to stretch forth my hand against him.* That was not all neither, but there were more circumstances in the case, *Saul* was not yet reformed, and going on still, was another time delivered into *David*'s hands, and the people both times understood it, the speciall delivery of his enemy into his hands by God, and would have embraced the opportunity and have made him away: *David* restraines them still with the same bridle; *The Lord forbid &c.* and tells them, § *Who can lay his hands on the Lords annointed and be guiltlesse?* No, *David* (though already annointed) would tarry Gods time, *the Lord should smite Saul, or his day should come, or he should descend into battaile and perish*, but *David*'s hand should not be against him. No whatsoever *Saul* was, or whatsoever he had done; neither his falling from God, nor Gods declaring him rejected, nor *David*'s annointing by Gods command, nor *Saul*'s unjust persecution of

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David

* 1 Sam. 15. 23. and 16. 13. † 1 Sam. 24. 5. § 1 Sam. 26. 9.

David the Lords annointed in future, could dissolve the duty of his Subjects, nor make it lawfull for them to lay their hands on him, no not when he was in wicked hostility against them. But *Saul* in *David's* account, was still the Lords annointed, still a sacred person, still *David's* maister, notwithstanding the circumstances which might seeme to have discharged the tyes of duty which *David* and the people did formerly owe unto him.

Neither is the annointing of Kings a thing sacred as to their own Subjects only: but the regard thereof is required at the hands of strangers also, because of the prophanation and sacrilege that in the violation of their persons is committed even against God. Wherefore, we see that though the *Amelekite* were a stranger, and made a faire pretence, that he had done *Saul* a good office, when at his own request he dispatched him of the paine of his wounds, and of the pangs of his approaching death: yet *David* (taking his fact according to his own confession) makes a slight account of the causes which he pretended, as a frivolous extenuation of an haynous fact, and condemnes him, though a stranger, as an hainous Delinquent against the Majesty of God. *How wert thou not afraid* (saith he) *to stretch forth thy hand to destroy the Lords annointed?* neither his being a stranger, nor any of the other circumstances were so availeable, but that his blood fell deservedly upon his own head. The act is in it selfe perfectly wicked, and in the degree hainous; altogether against the word of God: and therefore all actions of Subjects, that in the progresse of them tend, or by the way threaten to arrive at that upshot, are all unlawfull, fowle, and wicked; and not only the actors themselves wicked, but their assistants, favourers, those that wish them well, or (as *St Iohn* speakes) *That bid them Gods speed, are partakers of their evill deeds.*

But errour in this point, has made such impressions in the mindes of many, as that they will never be perswaded, but that they may disobey and resist Authority, if ever they finde it faulty, or the commands thereof not agreeing with their consciences. *They will grant*, that they may not disobey Authority in the lawfull commands thereof, neither do evill that good may come thereon: *but then*, they themselves will be the judges what commaunds are lawfull, and what not; what things good, and what evill; and so they make obedience arbitrary, and government (by pretending conscience) at the discretion of the Subject: yea, though the things whereat they take check, be of their owne nature indifferent, or doubtfull, (and therefore not matters of faith) yet will not they submit themselves, nor their opinions unto any, no not to the judgement of the Church they live in, no not to the judgement of the Church Catholique, nor to the authority of it, even in the purest times thereof. But they from the authority of their own opinions, or from the authority of such Teachers, as they themselves have chosen to themselves to be their guides, they will both censure, condemne, disobey, and revile the Ordinances of their Church, and the Governours thereof, so secure in opposing imaginary, or at least unproved superstition, as they will not see how incompatible, self-will, presumption, disobedience, arrogance and railing are with true Religion, nor that the false Teachers, and their Disciples (which our Saviour and his Apostles foretold should be in the *last and perilous times*,
and

and which St Peter calleth *curfed children*) are not only described by this, that they * *have a forme of Godlineffe, but deny the power thereof.* That † *they are in sheeps clothing, but are inwardly Wolves.* That the fruit they beare is not answerable to the tree they seem to be. That their way of working is after the way of private insinuation, § *creeping into houses, and leading silly Women captive.* Having itching eares, and after their own liking || *heaping to themselves teachers.* That they be ** *they that separate themselves, and the like.* But they are especially described to be †† *Traiterous, Heady, high-minded,* to be such as *despise government,* as are *presumptuous, self-willed, and not afraid to speak evill of Dignities.* And again that they §§ *despise dominion, and speak evill of dignities.* And that they *Perish in the gainsaying of Corah,* now we know that the sinne of *Corah* was, that he (being a Levite, and countenanced by an hundred and fifty Princes of the assembly |||, famous in the Congregation, and at least fourteen thousand seven hundred of the people) upon his own private opinion (to which also his followers adhered) that both he, and all the Congregation were holy, and might offer incense before the Lord as well as *Aaron,* Charged *Moses* and *Aaron* that they tooke too much upon them, and that they exalted themselves above *the Congregation of the Lord,* and therefore they holding themselves in a parity of authority with them, would not appeare on their Summons, nor be obedient unto them. Yet (as if these passages of Scripture nothing concerned our times) we are nothing shie of those things whereof they do admonish us.

There be some, that justifie, that private men may resist authority, when it would doe that which is hurtfull to the Church of God, yea, that it is then their duty to resist it, that such resistance is no disobedience, no rebellion, no sinne at all. *These swallow that* which may not be granted, viz. that they are competent Iudges of the Churches hurt, and besides they make the rule that our Saviour gave us for discovering teachers of false Doctrine to be nothing worth. Our Saviour tells us, *† *we shall know them by their fruits,* as granting fruit to be a thing apparant, knowne of all and unchangeable: but these men make the fruit to alter according to the diversity of the tree that bears it, though otherwise it have the same shape, taste, and vertue. For example, disobedience, resistance of authority, sedition, and rebellion, are by the law of God, and by the law of nature, agreed both by Christians and Heathens to be evill fruits. But these men (and Iesuites) tell us that resisting authority, and raising force against it, thereby to worke the good and safety of the Church of God, though done by Subjects, is no resistance, no rebellion, no sinne. The fruit has lost his own nature, which in it selfe was nought, and takes a new nature of goodnes, because it was brought forth by the good tree of piety toward the Church of God. So our Saviours precept is made of no effect, and we must learne of the Iesuite, to un-know a knowne thing, and know it for some other thing, then ever we knew before,

* 2 Tim. 3. 5. † Matth. 7. 16. § 2 Tim. 3. 6. 4. 3. || Jude. 19. ** 2 Tim. 3. 3. †† 2 Pet. 2. 10. §§ Jude. 8. and 11. ||| Numb. 16. *† Mat. 7. 16.

fore, and that by a new way too, *viz* : by that which is not to be known of it selfe. We must know the fruit by the tree.

We deny not, but that authority may commaund things, that by no meanes at all ought to be done, and that then we must not doe them : *but those things are such* as are manifestly contrary to the expresse word of God, and principles of Religion. *And even in them* we are only simply to refuse the doing of the evill commaunded, without any actuall resistance otherwise, and so doing, our not obeying, is not to be counted disobedience ; because it being necessary obedience to the expresse word of God, the primitive Sovereign of all authority : it can never be disobedience as to the derivative. *But where authority* commaunds nothing against the expresse word of God, and principles of Religion (as in things disputable it doth not) there, except the Governours that are the derivative be obeyed, God, the primitive is disobeyed. For he strictly commaunds obedience to his Vice-gerents, even in every ordinance of man.

But we are also to take heed we play not the hypocrites with God. When thinking to doe a good office to the Church or State, we resist authority, that presses us with that, which (as we suppose) threatens depravation of true Religion, or due liberty. For what know we but that by * *wrongfull suffering* (whereto all are called) God calls us to a tryall of our faith, patience, and obedience in that way, which if we doe not shew by keeping close to his command, not turning on the left hand to doe any evill though commanded, nor on the right hand to resist authority with violence, although it hath commanded evill, we then refuse Gods tryall, and with an unseasonable zeale for Religion, and for our worldly rights, we contrary to Gods commaund resist his lawfull Vice-gerents, and the excuse we have for it, is little better then like the Pharisees, to say *Corban, God shall have profit by it in the good that we shall doe his Church thereby, and make the precept of God of no effect* ; and convert the glory that God seemed to seek in our tryall : And having so justified our resistance, we must then call it pious, and an act of duty, and such as God requires, and so make God the author of our sinne, and lodge it where we can never repent us of it.

There may undoubtedly be such pressures laid upon Subjects, as that humanity cannot but commiserate, and perhaps in some part excuse their impatience and resisting of them. *But the pittifulnes* of the case cannot make the resistance lawful, though we remit much to the doers, we must yet condemne the fact ; and though their sufferings wash away much of the soile that would make both the deed and the doers more odious, yet must they be content to confesse the deed to be evill. *But to justifie it*, were to commit the accursed sinne of calling *good evill, and evill good* ; yea, the sacrilegious sinne of making God weake and wicked, who for the necessary support of his Church, should stand in need, and require not only the helpe of sinfull men, but even of their sinnes also. *Private men*, in things not plainly forbidden, cannot say they resist not authority, but sinne : not the lawfull power, but the licentiousness

ousness of them which abuse it: for they have no authority to distinguish. And if they offer to pull the mote out of the Governours eye, they will put a beame into their owne. For though we be every one tyed to resist sinne in our selves that we commit it not; yet are we not every one tyed to resist it in others, that they commit it not; and we must leave every thing to be rectified by those only, to whom it properly belongs; and where there is no ordinate meanes of reforming, there God has reserved that particular case unto himselfe, and we must not juttle him out of his tribunall.

We might in this place remember also what infinite doubts, and questions (perpetually ensnaring and wounding the consciences of private men, and with continuall disturbance and divisions threatning the ruine of the State) doe follow the admitting of this one opinion: that when other remedies faile, Subjects in case of necessity may leavy Armes, and defend their Lawes, Liberties, and Religion, against the oppressors of them. *For what shall be sufficient necessity?* and who shall be judge of it? what way, and how farr may Subjects so proceed? who shall commaund? &c. But it is impossible to set forth all the branchings and consequents of errours, or the confusions that follows upon them. *We might also remember,* what dangerous straines and snares these opinions are to those that have taken expresse oaths of obedience and allegiance; but we hope, that this shall be hint enough to stirr men up to take heed, how they entertain such opinions: and if already they have been led away with them, they make a more advised examination of the matter, and like good Christians be content (whatsoever censure fall upon their actions past, or whatsoever diminution upon their present esteem) they will yet submit, that Gods truth may not be corrupted, nor his holinesse blasphemed, but that, as the Psalmist saies, * *he may be justified in his sayings and be cleere when he is judged,* yea that God may be found true and every man a lyar.

We do not all this while contend that Princes are without law, we have in the entrance of our discourse shewn the contrary: and we doubt not but that the rights and maners of Kingdoms, are religiously to be observed as well of the Prince as of the People: that the establishment of a Kingdom depends upon the observance of the rights thereof, as well by the one, as by the other: and that the Rights and Manner of every Kingdom is as sacred as the Kingdom it selfe. When God layd a curse upon those that removed the bounds between private man and private man, he left not the bounds of publique right (in which all private right is included) open to secure violation: but what was wicked in the one case he accounted hainous in the other, as carrying with it, not only the transitory fortunes, but even the lives and soules of the People. And for this cause, when God finds in *Princes the sinne of those that remove the bounds,* he threatens that he will † *Powre out his wrath on them like water.* It will not be unworthy our labour a little to enquire into the reason.

Tyranny

* Psal. 51.

† Hosea 5. 10.

Tyranny (as we have touched) *began first in the Eastern parts*, and thence dispersed it selfe through the world. And being from the beginning greivous, and incomportable, in time it discovered it selfe to be but weak. Withall it was supposed, that the greivousnesse of it consisted in the Monarchall forme, for remedy of which they instituted, in some places Aristocraticall, in some places Popular government, But in the use of them, they all also were discerned to be but other faces of the same tyranny: and men found plainly, that the absolute government of either People, or Nobles, was as well obnoxious unto tyranny, as the sole government of the Prince: and that in which of the three soever the government absolutely resided, the government was both tyrannicall and infirme: and that in every of them the comfortableness and stability depended only on the well regulating of the soveraigne power, by a reasonable interposition of some power committed into the hands of the two other potent limbs. *So it became an experimented principle among Statists; that the composite forme* (wherein every of the three potent limbs, for the surer support of the instituted State, had such apportioned influence and power as was proper for the frame of government) *was the only firme and durable forme; and that of the three powers, Regall, Aristocraticall, or Popular, any of them prevailing so far, as to be wholly free from being qualified or tempered by some operation of the other two, corrupted the legitimate form into a tyrannicall, and made a prognostick of the States declining into ruine. This principle of State is not impeached by any instance, of long continuance of the old Assyrian, or present Turkish Empire, because the Assyrian had a peculiar advantage of continuance, by the simplicity and unactiveness of the age it was in. And the Turks to worke their security and continuance, have wholly put out the light of knowledge from among their people, and have subdued them to a false Religion, that has in it selfe no other end, nor office, then only to keep men in subjection; so that they having deprived themselves of the principall of all conditions of humanity, and made themselves (in a manner) an Empire of beasts, the successe of their affaires determines nothing of the event of theirs, that ayme to live as men; much lesse of theirs, who are to live the lives of supernaturall men, that is to say of Christians.*

*Absolute power then, when it hath neither bounds, nor limitation, (like the naturall heat too much enforced, which soon devours the radicall moisture that maintaines it) tends not to prosperity, but to the destruction of it selfe. For all things being created in number, weight, and measure, the destruction of their proportions must needs be the decay of their being. * Where there is no inclosure* (saith the wise man) *there the possession goes to decay.* For tho' one, by decaying his fence, gives himselfe liberty to prey upon his neighbours, (which seems some advantage) yet he thereby layes himselfe open to be a prey also unto them; and when after he would close it again, he will find it hard to shut unruly beasts out from the haunt they have once gotten. *Now for preservation of the bounds and fences of a Kingdom, it is necessary, not only*

to

* Eccles. 36. 25.

to have just and equitable lawes, but it must have also an institution of good and sound orders, for the making and executing of those Lawes: which orders must be sacredly observed. For as evill words corrupt good manners? so evill manners frustrate the effect of all good lawes; and good manners (especially those that belong to government) are not preserved without strict adherence to the instituted orders of the Kingdom. *Neither will these orders long continue valid and of use, unless the protection and care of them be committed into the hands of some conservatory power, more especially interested in the continuance of them.* Who though not absolutely, nor with any single power of immediate coercion, yet by their powerfull intercession in the Councells, and convocate Assemblies of the State, may be effectually operative to the preservation of the publike right, for which cause the use of these Assemblies are by no meanes long to be neglected.

*When then the continuance and prosperity of every State, stands upon no surer ground, then the observance of the Rights and Orders of the Kingdom: upon no better stand the lives and fortunes of the Subject, of the Prince, and Royall race; yea, and of the inheritance, and Church of God himselfe. And it is then no marvaile that God should threaten to * powre out his wrath like water on Princes that are like to those that remove the bounds. It is no marvaile that to the Kings of Iudah, (to whom God (no Question) with a promise of perpetuity, gave the most absolute dominion that has beene communicable to the Princes of his Church) he should command, † Execute Yee judgement and righteousness, &c. for then shall Kings sitting on the throne of David, enter in by these gates, &c: but otherwise, I will prepare destroyers against thee. It is the important consequence that makes God not give the charge without threatening. Though God declares Princes to be Gods among men, yet between him and them, God (as David confesses) has made the observance of the rule of justice and religion, to be the condition of their reigning. § Bear rule (saith God to David) over men; being just, and ruling in the feare of God. Indeed when Princes derive their authority from Christ, and justly challenge the prerogative of his vice-gerents, it well behoves them to looke that the derivatives faile not of the condition of their primitive. || The Scepter of Christs Kingdome is declared to be a right Scepter, and therefore his seat to endure for ever. If his vice-gerents would have their seates durable, they also must have care their Scepters be right Scepters: they must see that the aunciently-established Formes and Orders of their Kingdomes be not violated or neglected, but from time to time renewed and kept: they must not, to be absolute, breake the Rights, and Orders of the Kingdome, and thinke to be good and just Princes in their Arbitrary Rule: it were a reproachfull incongruity, and nothing fuitable to the vice-gerents of Christ, to be good and faire Governours of that which they have made a tyrannicall government. The Governours and government must have one face and way, their rule cannot otherwise escape infamy; nor their providence cut off occasion from after*

VOL. II. M times

* Hosea 5. 10. † Ier. 22. 3. 7. § 2 Sam. 23. 3. || Psal. 45. 7.

times of invading the Rights, and consequently the continuance of their Kingdomes.

*The Lawes then, the Rights, and Orders of Kingdomes, are most sacred, and binding, even to Kings themselves: but that is to be understood, in Safety, in Honour, in Conscience betweene God and them: not in any way, wherein, in their default, the people can become authorized. For if we looke to what is written; we find that when the Subjects doe amisse, they ought to feare, for the Ruler is * Gods minister to take vengeance, and beareth not the sword in vaine. But we read of no authority committed to the people, in case the Prince failes of his Duty; nor of any sword that is to be borne by them: if therefore they take the sword, or any course that leads unto it, they take the sword of injustice to the wounding of their own soules. But while we name the people in these things, we doe not make all Subjects, living under the obedience of Sovereignes, naturally to have this pretence, that they may doe themselves right, in case their Prince doe not. † For as we see them of their owne naturall inclination to desire a King, so we know they naturally submit unto his government. And Prince, and people, of themselves stand naturally well-affected one to the other. But as there are those that are sinisterly officious to the one, so are there toward the other also. And as those often counsell the Prince, as if they would have him pull out the stones from out the foundation of his Throne, to build higher the roofe and enlarge the battlements thereof: so these often perswade the people, that they have the authority of Princes, though they have neither Throne, Scepter, nor any thing belonging to the Sovereigne right: these find pretences, and broach opinions in the peoples behalfe; and then the people naturally jealous, and impatient of the violation of their supposed Right or Liberty, are facile to entertaine suggestions, and through want of judgment easily carryed away with them; but wanting also moderation, they so violently adhere unto them, as that with their intemperate prosecution, they often by their owne instruments bring upon themselves the evils that they most doe feare from others.*

So the people of Rome having expelled their Kings and settled a Republique with such hatred to the memory of them, as that they would not endure the name of King: growing afterward ill satisfied with the proceedings of their Senate, they would not only have Tribunes, (Guardians of their Liberty, and Rights,) which was indeed no more then necessary, but they would have their Tribunes indued with Consular authority; then with that of the Dictator; of the Pontifex Max: and whatsoever other power the common-wealth afforded. In the end, they made them so unresistable, to vindicate their Liberty against the Nobles, and the Senate, as that in the upshot, when they were become secure against their adverse party, they had no meanes of interposition against the absolutenes of their own Guardians. Insomuch as that Cesar, obtaining to be head of their Faction, could not be hindered, but that even under the formes which they ordained to preserve their Liberty, he introduced

introduced a Tyranny more absolute, and worse conditioned, then was that of their Kings, which they expelled.

Hitherto tends the Doctrines of those, who while they pretend to instruct for the common good, Liberty and Right; doe as it were appeale unto the people, and support their doctrines with the peoples approbation and applause, and do so, in shew, make the people, and indeed themselves, the soveraigne judges of all things.

Master PYMME his SPEECH in PARLIAMENT, on Wednesday the 5. of JANUARY, 1641. Concerning the Vote of the House of Commons, for his Discharge upon the Accusation of High Treason, exhibited against Himselfe, and the Lord KIMBOLTON, Mr. JOHN HAMPDEN, Sir ARTHUR HASLERIGGE, Mr. STROUD, and Mr. HOLLIS, (by His Majestie.)

Master Speaker,

THESE Articles of High Treason, exhibited by his Majestie against me and the other Gentlemen in the accusation charged with the same Crime, are of great consequence, and much danger to the State: The Articles in themselves, if proved, are according to the Lawes of this Land High Treason.

First, to endeavour to subvert the Fundamentall Lawes of the Land, is by this present Parliament in the Earle of *Straffords* case adjudged High Treason.

Secondly, to endeavour to introduce into this Kingdome an Arbitrary and tyrannicall forme of Government, is likewise Voted High Treason.

Thirdly, to raise an Army to compell the Parliament to make and enact Lawes, without their free Votes, and willing proceedings in the same is High Treason.

Fourthly, to invite a forreingne force to invade this Land, to favour our designs agitated against the King and State, is High Treason.

Fifthly, to animate and encourage riotous Assemblies and tumults about the *Parliament* to compell the King to assent to the Votes of the House is Treason.

Sixtly, to cast aspersions upon his Majestie and His Government, to alienate the affections of His People, and to make his Majesty odious unto them is Treason.

Seventhly, to endeavour to draw his Majesties Army into disobedience, and to side with us in our designs, if against the King, is Treason.

I desire, Master *Speaker*, the favour of this House to declare my selfe, concerning this Charge, shall onely parallell and similitize my actions since the sitting of this *Parliament* with these Articles.

First, Master *Speaker*, if to Vote with the *Parliament*, as a Member of the House, wherein all our Votes ought to be free: it being one of the greatest privileges thereof to have our debates, disputes, and arguments in the same unquestionable, be to endeavour to subvert the Fundamentall Lawes, then am I guilty of the first Article.

Secondly, If to agree and consent with the whole State of the Kingdome by Vote to ordaine and make Lawes for the good government of his Majesties Subjects in peace and dutifull obedience to their lawfull Sovereigne be to introduce an Arbitrary and tyrannicall forme of government in the state, then am I guilty of this Article.

Thirdly, If to consent by Vote with the *Parliament*, to raise a Guard, or Train-Band to secure and defend the persons or the Members thereof, being invironed and beset with many dangers in the absence of the King, and by Vote with the House, in willing obedience to the Royall command of his sacred Majesty, at his returne, be actually to levie Armes against the King: then am I guilty of this Article.

Fourthly, If to joyne with the *Parliament*, by free Vote to crave brotherly assistance from *Scotland*, Kingdomes both under obedience to one Sovereigne, both his loyall and dutifull Subjects, to suppress the Rebellion in *Ireland* which lies gasping every day in danger to be lost from his Majesties subjection, be to invite and incourage a forraigne power to invade this Kingdome: then am I guilty of High Treason.

Fifthly, If to agree with the greatest and wisest Councell of State, to suppress unlawfull tumults and riotous assemblies, to agree with the House by Vote to all Orders, Edicts, and Declarations for their repelling, bee to raise and countenance them in their unlawfull actions, then am I guilty of this Article.

Sixtly, If by free vote to joyne with the *Parliament* in publishing of a Remonstrance, in setting forth Declarations against Delinquents in the State, against Incendiaries betweene his Majesties Kingdome, against ill Counsellors which labour to avert his Majesties affection from *Parliaments*, against those ill affected Bishops that have innovated our Religion, oppressing painfull, learned and godly Ministers with vexatious suites, and molestations in their unjust Courts, by Cruell sentences of Pillory, and cutting off their eares, great fines, Banishment, and perpetuall Imprisonment, If this Mr. *Speaker* be to cast aspersions on his Majestie and his government, and to alienate the hearts of his Loyall Subjects good Protestants, and well affected in Religion, from their due obedience to his Royall Majestie, then am I guilty of this Article.

Seaventhly, If to consent by vote with the *Parliament* to put forth Proclamations, to send Declarations to his Majesties Army, to annimate and encourage the same to his Loyall obedience, to give so many Subsidies, raised so many great summes of money willingly for their keeping on foote to serve his

his Majestie upon his Royall command on any occasion, to apprehend and attach as Delinquents, such persons in the same as are disaffected both to his sacred Person, his Crowne and Dignity, to his wise and great Counsell of *Parliament*, to the true and Orthodox Doctrine of the Church of *England*, and the true Religion grounded on the Doctrine of CHRIST himselfe, and established, and confirmed by many Acts of *Parliament* in the Reigne of *Hen. 8. E. 6. Queene Elizab.* and King *James* of blessed memory, if this Mr. SPEAKER be to draw his Majesties Army into disobedience, and to side with us in our Designs, then I am guilty of this Article.

Now, Master *Speaker*, Having given you a touch concerning these Articles, comparing them with my Actions, ever since I have had the Honour to sit in this House as a Member thereof: I humbly crave your consideration, and favourable judgement of them, not doubting, they being weighed in the even scales of your Wisedomes, I shall be found innocent and cleare from these Crimes laid to my charge.

Master *Speaker*, I humbly crave your further patience to speake somewhat concerning the exhibiting of this Charge which is to propose to your Considerations these propositions, *viz.*

First, whether to exhibit Articles of High Treason by his Majesties owne hands in this House agrees with the rights and priviledges thereof.

Secondly, Whether for a guard armed to come into the Parliament to accuse any of the Members thereof, be not a breach of the priviledge of Parliament.

Thirdly, Whether any of the Members of Parliament being so accused may be committed upon such accusation, without the whole consent thereof.

Fourthly, Whether a Parliament hath not priviledge to bayle any Member so accused.

Fifthly and lastly, Whether if any of the Members of a Parliament so charged, and by the House discharged without release from his Majestie may still sit in the house as members of the same. And thus Master *Speaker*, I humbly crave pardon for my presumption in so farre troubling this Honourable House, desiring their favourable consideration of all my actions, and that I may have such tryal as to this wise Counsell shall seeme meete, cheerefully submitting my selfe and actions to the righteous judgement of the same.



Master

Master HOLLIS his Speech in Parliament, the 21. of March. 1642. Wherein is contained his Declaration concerning the Kings Attorney Generall, for his abuse given to the House of Commons, in the accusation of High Treason against the sixe Members of the House. As also his advise concerning the last commands, issued from the said House.

With his Arguments against Master HARBERT, His Majesties Attorney Generall, for drawing the Articles of high Treason against himselfe, and the other five Members of the said House.

Master *Speaker*,

THe subtilty, policy, and dubious wayes, bearing rule in a man corrupted, whose evill actions come within the compasse, and justly claim the due reward of exemplary punishment, is alwayes working; although by the destruction and utter delabition of the vertuous, and innocent (whose words and works, actions, and endeavours, can be termed to lay holds on nothing but realties) to cleer himself: The actions, conditions, and endeavours of the good man, being alwayes the contrary, there being no vicissitude or coherence with them, in respect they are meer opposites, the one seeking to performe his duty both to God and man, through his true dealing for the truth, the other seeking what in him lyeth for the advancing of impiety: The good man joyning with his practise, his daily labours for the defence of vertuous and pious designes; thereby seeking with vigilancy to bring the malignant persons to deserved punishments, it being a work, which in conscience is due both to God, his King, and Country.

First, To God in respect of Religion, and the true and reall Faith, we now professe in the Church of *England*, without which we are nothing, being no lesse then meer Atomes to the World, and the just Antipotes to a ground Faith. No faith can stand without that true Foundation of Christ; no grounds of salvation can be had, but by and through those extraordinary merits and sufferings, which we are partakers of in Christ: If so then does our Saviour daily suffer in the instigations, and quotidian provocations against him; all which are violated by those (who are many) malignants to the truth.

Secondly, To the King, what greater abuse can there be to His Sacred Majesty then by the continuall sufferance, the Subject endures through the ill Counsell administred to our Sovereign, being done under the colour of Loyalty; yet in proving in matter no better then flat abuses to this whole Kingdom.

Thirdly,

Thirdly, If that God and the King, so much suffer by the aforesaid means, the poor Subject and Country can do no lesse; witnesse the daily disturbances which are now a dayes, being so many, that there is no County almost within this His Majesties Dominions, but hath delivered their humble petitions to this Honourable Assembly, for removall of the said grievances and the deprieving of the aforesaid persons of their usurped authority.

Master Speaker,

It is palpable enough that the wicked man, cares not though he dishonours God in the highest degree may he but defend himselfe and vices, though to the utter abolishing of Religion, King, and Countrey, (as aforesaid) if opposite to his designs.

Wee have had the experience of the evils and great troubles that have beene raised in this State by ill instruments, men in power and authority in the same, and not onely of publique misdoers and open enemies, but also of many private disaffected Spirits, whose outward carriage hath procured to themselves great esteem and respect in their County. Nay so well have they been approved on, that their Countrey hath not misled them, with both their estates and priviledges, as electing them Members of this high Court of Parliament; wherein also for a long time, they have discharged their duties to their King and Countrey; nay, and attained the generall estimation, and respect of all men, as worthy Members of the Common-wealth; but their hearts disagreeing with their outward qualities, being not upright and perfect, have at last shewed themselves in their perfect colours, and brought themselves to shame and dishonour.

Master Speaker,

I Have hitherto spoken of nothing but generalls: Now I intend to insist upon a perticular, being the Gentleman, who as yet stands accused by this Honourable House, His Majesties Attorney Generall, who hath been a man, upon whom all these Honours aforesaid, have been conferred in the Parliament, and no lesse esteemed by His Majesty; his place therein being sufficiently honourable, he needed not to have proceeded so farre as to prove ambitious, or malicious; which of the two I cannot nominate, nor am able to distinguish, was his error, or whether he is guilty of both; how ever, it does appear, his heart was not right in discharging his duty in that great place committed to him; and as he was a Member of the Parliament, had he been faithfull to his King and Country, he had never undertaken this enterprize to accuse us of treason, and draw the accusation against us himself; for which we have already, and further are bound to answer.

Master Speaker,

His offence is of a high nature, of dangerous consequence, a manifest Breach of the Priviledges of Parliament, an apparent treachery (if found to rely upon him) against those accused Members, of which I am the least,

least, yet moved to speak in the Cause, The offence is generally against the whole State, deserving great punishment for the same.

By this he hath made himself guilty of those misdemeanours, that other Delinquents have been impeached, and accused for, and nothing inferiour to them in their crime. This designe was a great offence (if by him advised) against His sacred Majesty himself, in seeking to work an evill opinion in him concerning his Parliament, and their Proceedings in the great Affaires, of both Church and State. This is the matter that discourages this Honourable Assembly in proceeding in such busineses, as may be for the honour of their King and Country; when they perceive that all their endeavours, and dutifull actions, are not well accepted by His Majesty, This and such like ill Councells hath caused all this distraction in the State.

Master Speaker,

THe charge is apparent against him, the accusation is apparent before (as though voyde;) therefore I in behalf of the rest of the Members, most humbly desire you would proceed to voting him upon the same, as he shall be found guilty, and his reward may be contributed for the same: I for my part have performed my promise to those other Members accused, in moving you in the businesse; To whose consideration I now leave it, as being best able to determine of a matter of so great weight.

Die Mercurii, 22. Feb. 1642.

IT is this day ordered by the Commons House of Parliament, that Mr. *Glyn* shall returne thanks to Mr. *Bridges*, for the great paines he tooke in the Sermon he Preached at the intreaty of this House at *St. Margarets*, in the City of *Westminster*, (being the day of Publique humiliation) and is likewise to desire him to Print and publish his Sermon; And it is further ordered that no man shall presume to Print his Sermon, but whom he shall Authorise under his hand-writing.

H. Elsynge Cler. Parl. D. Com.

I doe appoint Andrew Crooke Stationer, to Print my Sermon.

W. BRIDGES.

To

To the HONOURABLE the House of COMMONS
Assembled in PARLIAMENT.

IN a willing obedience to your Commands, I here present to your Eyes, what You were lately pleased to attend unto with great patience and Christian chearfullnesse with your eares. Christ Iesus please to speake that to the hearts of the Auditory, which I did to their eares, that in this time of great sorrow, there may that evidence be to our Ministry (which would be to every conscionable man, a matter of great joy) that some may be undeceived and brought to see the things that concerne their peace: A wonderfull security and insensiblenesse lies upon our people every where, beside a spirit of contradiction or malignity, deserving a censure like that *Act. 7. 51.* My humble request to you is, that you will please to accept this as an earnest of my affectionate service to you and the Publique. My humble request to God for you is, that he will please to carry on the weighty Services you have in hand for his glory, and the good of the Kingdome of Iesus Christ, and the bringing to passe the worke of Reformation, through so maine, so great oppositions,

So prays your most humble

*From my Study in
Mincing Lane,
Feb. 27. 1642.*

Servant,

W. BRIDGES.

THE PREFACE.

THE businesse of Christ Iesus Kingdome, in these sad times, (yea Servants of the living God) is looked upon with the squint eyed multitude, under an Hexapla of considerations.

The first is a Theologicall, they would make us beleve they desire Divinely, or at least Divine-like to behold it. To say nothing of Bookes, * for they have had their Answers, and some of them newly furbushed over, speake such language now, as the Author knew not in the time of his delivery, of himselfe, upon that subject, or else the Title page † says that which the Booke proves not at all. ‡ shall deliver the sense of the whole in that of Rom. 13. He that resisteth, &c. and of the Evangelist, Resist not evill, &c. To let goe || Fathers, something out of the Councils, the Doctrines of our owne Bishops, and other things that might be said, ‡ shall desire the Reader to observe from me,

1. That the King must command not onely according to Gods, but Mans Law also.

2. That if he doe not so command, the resistance is not a resistance of power, but will.

VOL. II.

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3. That

* Dr. Ferne. † Grand Rebellion by Gr. Williams. || Prosper out of them. Epist. Synod. Cui nomen libellus supplex. Tem. 1. fol. 803. Conc. Ephes. Daver et. pa. 97.

3. That to say such a resistance must be but only defensive, is non-sense, for so a man may be resisting ever, and never, resist like the silly women of whom the Apostle sayes, they are ever learning and never attaine to the Truth.

The Second is an Historicall; they conceive and say, Never such times, such Taxations, such Precedents, such a warre, &c. Never? Sure you erre much in point of History, the twentyeth part, fiftenth part, seventh part, as in the Reigne of * King John and others, &c. But here the willing to learne, must know,

1. That if some be taken away, it is to preserve them, and the rest.

And 2. Whether they had rather part with it to the Parliament, or that and their lives too, to the Cavaliers?

The third is a Legall consideration: Some propositions I would make to our Malignants skilled in the Law, which shall be these: 1. whether I had better trust to another mans favour, or to mine owne strength for my defence? My strength is the Law, against which, if the government command it does me wrong, if I obey, I doe my selfe wrong. 2. The great offence of authority is whatsoever is committed against the security of the State. 3. † Heathens tell us that the wise must give asmuch to the Law as may be, but to the Lawgiver as little; for (saies he) he is a man subject to passions, may be miscarried, &c. 4. The Law is the common surety betweene the King and the Subject, that is to say, it bindes me to pay the King Tribute, &c. and binds the King that I shall enjoy my protection. 5. In a word, he is a good Subject that looks upward to see what, in God, Gods Vicegerent commandeth; and secondly, that looks downward to see whom the obedience thereunto doth either hurt or hinder. || Papists grant us this, that in the Superior three things are concurrent, 1. The place, which is from Christ alone. 2. The person, which is from the choosers. 3. The union of these two, which is from Christ, but by the mediation of a humane act: Let Protestants then have their eies in their foreheads.

The fourth consideration is criticall. My money shall never helpe to kill men: I answer, your money is not yours, if the Lord, the Law, the Liberty, the cause or the defenders thereof stand in neede thereof, no more then the asse in the Gospell, or the bread and beefe of § Naball, theirs, in the like case. 2. I answer, your money shall not helpe to kill well if you hinder the killing, quelling of those who would both kill and quell us, ours, our Religion, Kingdome, you become friends of Gods enemies and ours, and resolve to make peace with them, with whom God hath resolved to have warre, Exod. 17. ult.

The fifth consideration is a sullen Melancholy one, trading's dead, our Money goes, never so many payments, &c. This man is not worth the answering, I shall onely desire him to learne, if he be learneable, what Iob sayes, Iob. 2. 10. Shall we receive good at the hands of God, and not evil also? The Gospel hath beene a peaceable plentifull Gospel, and then you loved it, ran after it, but now it is otherwise, you are otherwise affected. To you I shall commend that Iohn 6. 26. You follow me for the loaves, &c.

The sixth is a meere foolish consideration (if it may be so tearmed) or rather (for fooles also will be talking) a meere prating, a meere nothing, and non sensical thought about the present things in the Kingdome. Within the verge of this I shall

* See Chron. K. John, Ed. 2. &c. † Arist. || Bellarm. § Matth. 21. 3. I Sam. 25. 1.

shall include the indiscreete running before Authority, in things where the command and countermand are not alike, This I shall desire to be proposed within these two Propositions.

First, Manners to stay the States leisure: but,

Secondly, Is it any offence to doe their worke for them?

Good meaning may be grounded on errors, but the bad must be shadowed with colours; I shall commend to my Countrymen, whose salvation (if I know mine owne heart) I earnestly desire, these following Notes, with some other; these by command, the other by permission, set forth to light. I have spoken herein to Christians, like such a one (as be said in another case) * None can be so ignorant as they are plaine to a mind desirous to learne. For the phrase it is such as I can speake, and I desire to be thankfull it is no worse, considering my deserts. Here is not all that might be said, but what I could † say; which if it may serve the Church, the Publique, the Lord Jesus and thee, good Christian, he hath his end who desires thine earnest prayers for

The poorest of all the

Servants of Iesus Christ,

W. BRIDGES.

* Testor Jesum, &c. quasi Christianum de Christiano vera proferre, Hier. Ep. Paulæ,

† Qui non valuit omnia non pœnitenda dixisse, pœniteat quæ cognovit dicenda, non fecisse, Aug. in censura, lib. Lactan. in fine.

A SERMON preached at a Fast before the Honourable House of Commons.

IOABS COUNSEL, and KING DAVIDS feasonable hearing it.

2 Sam. 19. 5, 6, 7, 8.

Then Joab came into the house to the King, and said, Thou hast shamed this day the faces of all thy servants, which this day have saved thy life, and the lives of thy sonnes, and of thy daughters, and the lives of thy wives, and the lives of thy concubines, &c.

Coherence need not, it will be easily gathered by the reading of the History, to which I shall referre it. I shall therefore now only commend to the consideration of this Honourable Assembly these observations out of the Text and context following, viz.

1. A sad and civill Warre in the bowels of a Kingdome.

N 2

2. Be

2. Betweene the King and his, and his Son and his party.
3. A battel given, not without bloodshed on both sides.
4. A victory ordered by the Lord of Hosts on the Kings side.
5. The sad entertainment this newes of victory had at Court, and even amongst the Conquerors themselves.

6. A peremptory and positive inference of *Joab* concerning the same, viz. *Thou hast shamed this day the faces of all thy servants*, vers. 5.

Which inference containes,

1. An obijuration or reproofe in those words, *Thou hast shamed*, &c.
2. A demonstration of the truth thereof, *Thou lovest thine enemies*, &c.
3. A reason given of this demonstration, *Thou regardest neither*, &c.
4. A request urged to his Majesty, *Now therefore up, come out*, &c.
5. A danger discovered, if not granted, *For I sweare*, &c.
- 7th. The event and issue of this sad businesse, which is,
 1. On the Kings part, he is perswaded, and comes out, and sits in the gate, so vers. 8. *Then the King arose*, &c.
 2. On the peoples part, they are contented, and with this glad tidings of the Kings approach, come before him, strive to serve him, &c. So vers. 8, 9, 10, 11. &c.

In the handling of this long Text and History to you Honourable and well-behoved, for brevities sake, this shall be mine order.

The two first parts, viz. 1. a sad warre, 2. and betwixt such parties, shall yeeld us this point of Doctrine.

Doctr. 1. That to see a sad and civill warre, in a time and Land of peace, betweene such parties as the King and his Subjects, is a very deplorable and dolefull spectacle. *Jer* 25. 29. See the Lords description of a warre, sad words, more sad workes, if God be provoked to doe them.

Joab's sinne is thus set downe, *1 King* 2. 5. (a) he shed the blood of warre in peace: the blood of battell to be shed at any time is a sad and sorrowfull thing; but in the time in the land of peace is a double griefe. Every battell of the warriour is with confused noyse, and with garments rolled in blood, *Esa* 9. 5. sad spectacles, sorrowfull cries; see the Prophet. The shield of the mighty is made red, the valiant men are in Scarlet, &c. A multitude is slaine, and the dead bodies are many, there is no end of the corps, they stumble upon the dead carcasses, *Nakum* 2. 3. and *cap.* 3. 3. the fighting prisoners, *Psal.* 79. 11. mourning captives, *Psal.* 137. are all within this dolefull spectacle of warre, what warre soever it be; but such a warre as is in our Text, yea in our times, it hath these considerations in it. (b) 1. It is a civill warre. 2. A destructive. 3. An unnaturall warre, and these evill properties belong to none but such a warre.

But why so sad a spectacle?

Reas. 1. Such a warre is a fearfull cause.

Dee

(a) *Omnia nostrorum mors est, Mars alpha malorum.* Epigr. (b) 3 Properties of a civill war.—*omnibus hostes Reddite nos populis, civile avertite bellum.*

Doe you make it a case of conscience you that fight? then hear a (a) rule: The ingagement in a warre (especially on the offensive part) where the quarrell is either unjust or unknowne, makes both the actor and helper guilty of bloudshed.

Doe you make it no case of conscience, but for pay, hatred of goodnesse, emulation, particular revenge, &c. hand over head and blindfold undertake it? (b) Then heare one that spoke by experience. Warre amongst us (saith he) is begonne, not so much upon any cause, as for the wages the undertakers should receive. 2. When once begonne, no man knew when it would end. 3. Covetousnesse yeelded a cause of cruelty; rather then not rob, they will kill, &c. 4. The manner of offence was judged by the measure of coyne. 5. For if any one were rich, that was enough to render him guilty. 6. And no thing or action accounted bad if gainfull. So then in this looking-glasse of ours we see a bad cause working two bad effects.

1. Are we scient, knowing? read, 2 Sam. 2. 14. or Gen. 27. 40.

Reas. 2. Are we ignorant? then read 2 Sam. 15. 11.

Such a warre hath fearfull effects. God and man will tell you this truth both of them. 1. God; see the Scriptures before, and adde to them one more, Jer. 6. 22. they come from the North, that is their place, vers. 23. tels you their preparation and qualities, their mercy as little as their power great, vers. 24. shews us the peoples caution; how are they prepared? very poorly, vers. 25, 26. sets downe the Prophets counsell, a sad businesse.

Πόλεμος the Greeke word for warre, signifies much blood. *Bellum a belluis.* Tamberlaine's Coach-horses were conquer'd Kings, Adonibezek's Dogs, 70. Kings gathering crums, &c. When the Switzers Anno 1443. (c) vanquished the *Thuricenses* in battell, they banquetted in the place where they wonne the victory, using the dead bodies of their adversaries instead of stooles and tables.

The *Numantines* (d) assaulted by the Romans made solemne vowes amongst themselves, no day to breake their fast but with the flesh of a Roman, nor to drinke before they had tasted the blood of an enemy. *Scipio* (e) tooke their Towne at last, and the storie tels the sad issue. Or if these will not serve, you may remember the cruelties betweene the Spaniard and the Hollander in our owne eyes.

If of civill warres you would see the effects either in the Chronicles of others, or our owne, you may receive satisfaction; the *Brutum fulmen*, pag. 144. tels us that in the late civill warres of France there were slaine 120000. natives, besides other of their allies. See our owne, William the Conqueror, and successively Yorke and Lancaster, saith my Author, (f) in that unhappy quarrell devoured no lesse then eighty Princes of the bloud Roy-
all

(a) The souldiers rule, an ill trade to kill men for money. (b) *Paterculus de Roman. discordia.* (c) Jud. 1. 7. *Lanquet. Chron. p. 261.* (d) *Guevara Epist.* (e) See *Plutar.* killed all the old women and children, and set fire of all their riches in the market-place. (f) *Cominaeus Hist. lib. 1. c. 7.*

all besides an infinite number of the commonalty: these are sad effects, and yet it might be drawne lower yet, but I forbear.

Reas. 3. Such a warre hath dolefull by-standers.

Such are either friends or enemies, good or bad.

1. The Churches friends, as *Jeremy* in his Alphabeticall Lamentations, send forth sad expressions of sorrow, for it grieves them to see her in the dust; these yeeld bindings (a) up to the soles; they take words (b) and goe to God, pleading with him as if they meant to silence him, yea make him blush and shame him; these like the Jewes in their Feasts, breake their Glasses as *Ierusalem* was broken, and sowe (c) seede in the long furrowes which the ploughers made upon our back.

2. But are they bad and our enemies? now they rejoyce and cry downe with her, even unto the ground, *Psal.* 137. 7. Now they consult, *Exod.*

1. 10. Come let us walke and worke wisely; Now they conspire, *Geball*, and *Ammon*, and *Amalek*, the *Philistines*, and them of *Tyre*, how they may take the house, and the cause, yea and Kingdome of God too into their possession.

Use 1. Well then, if warre be such a cause of misery, what is the cause of warre?

Resp. 1. You must looke upwards, and God says he is the cause: So *Ezek.* 14. 17. If I bring a sword, &c. it is *Malum pœnæ*, therefore not brought amongst us, unlesse he doe it, *Amos* 3. 6. and *Esay* 45. 7. Warre is amongst the treasury of Gods Judgements, in the Magazine of his instruments of vengeance. The Church fees, *Lam.* 1. 12, 13, 14. &c. And where it is not so perceived, they may fee the smarting of the wound, but (believe it) hardly runne right to the cure. (d) See an instance for this *Hosea* 5. 13. 14. Oh that *England* might never forget that, *2 Sam.* 24. 1. The wrath of the Lord kindled against *Israel*, and he moved *David*, &c.

How shall we be perswaded? Oh I thinke it is impossible, impossible I say, though not in it selfe, yet at least by accident, for we knocke at deafe mens doores, our people are deceived, and God hath said, Let them alone. Hearing they shal heare, and not understand, &c. *Esa.* 6. 9, 10.

First, Hypocrisie hath overcome us. We are like those *Micah* 6. 6, 7, 8, 9, 10. like them in the question we would seeme to aske, not like them in the Answer, for wee cannot heare the rod, nor who hath appointed it, and indeed it is because the treasures of wickednesse are in the house of the wicked, no power, no will to be reformed. Alas the sinne and punishment are Nationall, so must the amendment be. It was the old rule, (e) If the private man (in case of publique sinne) desire pardon, let him aske it with his owne, yea, and the teares of the whole Church also.

Secondly,

(a) Τραύματα γενάτων, *Nazi.* *Hosea* 14. 2. (b) Δυσωπειν θεόν *Basil.* (c) Τὰς συμφορὰς γενεργεῖν *Nazian.* (d) The people sin and God makes the sinne of the King, the sinne of the peoples punishment. (e) *Si veniam reus speret, petat cum lachrymis, petat fletibus totius Ecclesiæ*, *Amb. de pœniten.* l. 1. c. 16.

Secondly, Deceit hath overcome us; 2 *Theff.* 2. 10. God hath given them up to beleave a lye; the Note upon that Text is, (a) that being infatuate they shall be seduced, and being seduced they shall be punished: There is the fearefull malignant, the wilfull malignant, the ignorant malignant; and every one of these covers himselfe under falsehood, making a lye his refuge, *Esay* 28. 15. The Sanctuary these men have in these sad times, is like the covering under *Jonah's* Gourd, or *Adam's* Figge-leaves; Oh that they could know that, first, under God there is no hiding place, for in the time of trouble he, &c. *Psal.* 27. 5. secondly, that upon God who casts himselfe, (b) no force, no fraud can reach him.

Thirdly, Schisme and division hath overcome us, *Manasses* against *Ephraim*, and *Ephraim* against *Manasses*; but what shall I say? so it hath beene, will be, must be, Christ foretold it, and we have found it true which is said *Matth.* 10. 34, 35.

But what is this Schisme? Ile give three rules in answer:

First, (c) When things are thrust upon the conscience, which are not doubtfully, but directly against the Word of God, schisme in this case is not active but passive, a due separation from the error, not the body, for to that we are united by the Spirit and love, so farre forth as it is united to the truth of Jesus Christ the head thereof.

(d) Apply this rule to the present state of our times, and then tell me what is Schisme, or what Rebellion?

Secondly, Schisme or Division likewise is cadent,

First, Upon bad men, in whom it is either,

1. Through too much faith: or
2. Through too little Charity.

Secondly, Upon good men, in whom it is either,

1. Through error of Judgement.
2. Or scruple of conscience.

Apply this also, and you shall finde the rash and heady malignant, so to be divided: First, he beleeves all, every promise, every protestation. And secondly, (which is worse) he would cut the throat of him that will not so doe too.

The ignorant and better malignant he is divided otherwise, he hath a little (e) conscience and that scruples almost the very word King or Parliament; he hath lesse judgement, and that is the reason his conscience is no better informed.

3. Rule is for the Judges of what is Trouble, Schisme, Division, Rebellion, &c. where you have,

1. The

(a) *Infatuati seducentur, seducti judicabuntur*, Aug. (b) *Nulla vis, nulla fraus, nullæ jam illecebræ poterunt vel stantem dejicere vel subicere dominantem*, Bern. (c) *Quando doctrinæ seu præcepta in conscientias hominum obtendentur, quæ non dubitative, sed directe contra verbum Dei, aut legem humanam, &c.* (d) *Schisma, 1 activum, 2 passivum.* (e) *Non est conscientia quæ obligat sed lex illa quam intellectui conscientia præsentat: & revera conscientia semper præsumeret scientiam.*

1. The greater part: these say, (a) *Elias* troubles *Israel*, 1 *King*. 18. 18. and the Apostles, the world.

2. The better part, and they can tell you that this must be retorted not of the same Text.

We have all this while looked upwards to finde out a cause of warre amongst us. Now downewards, and there we shall finde our sinne the cause of this so sad an effect; and there we will put a parallel betweene (b) *Dauids* time and ours in point of sorrow-bringing sinnes, thus.

1. *Dauids* indulgence: Is *Absolom* such a man? a proper man, a goodly head of haire, but not a dram of grace, no (c) inward beauty at all, and yet the King cannot pull his heart from him although in the danger of the losse of a Kingdome.

2. This *Absolom* hath a party, and that in *Israel* too, that will venture their lives in such a desperate ungodly quarrell: Oh the wickednesse of this world! No cause so ill, or person so untoward, that is or shall be without adherents as wickedly desperate as the undertaker can be in a case of mischief.

3. And these (d) counsellors, cursers, colloquers, what not? We may see the old complaint too truly verified, My Kingdom is not of this world, &c. *John* 18. 36. All them that doe the Devils businesse shew their faithfulness, (if it may be so called) the Lord Jesus hardly findes one to trust; this I am sure is a very sad spectacle, to see a good cause have so few, a bad so many friends.

But let us aske one question.

What marks or signes may be given for the discovery of and discerning betweene the good and bad cause, side, or party, in such a sad spectacle of confusion?

1. *The Mercy*. (e) The best side is ever the mercifull side, more sparing, lesse cruell, ready to say with him, 2 *Sam*. 2. 26. Shall the sword devoure for ever? ready to doe like him, 2 *King*. 6. 22. Thou hast taken them, but smite them not, set meate and drink before them, that they may refresh themselves and goe to their Master; Marke this, and where you finde it, honour that side, in times of sadnesse and combustion, the worst Religion is ever most cruell; Bastardly professions are ever full of blood.

2. *Quarrell*. The best quarrell is mixt, not personall; so God be not dishonoured, sinne maintained, they are ever as conscientious in laying downe, as courageous in taking up Arms; with such men sinne is a greater evill then warre, and no shame like that, not to defend Gods cause. See *Joshua* 22. 12, 13, &c.

3. *Clemency*. Doth God give them victory? other men shall feele their clemency, they shall cause their enemies praise God they have, and pray him they may fall into such hands. 2 *Sam*. 19. 23. *Dauids* Cavalliers are under command. If

(a) *Judicium* 1. *Majoris*, 2. *Melioris partis*. (b) *Nihil in pœna quod non prius erat in peccato*. (c) *Psal.* 45, 13, 14. (d) *Ahitophel, Shimei, Ziba. A Counsellour, a curser: a party good enough for so bad an undertaking.* Concilium deforme vocat, glomerantur in unum Innumeræ pestes Erebi. *Quest.* (e) *Solution. Markes to know the best side in a time of warre.*

If God will please to continue us yet under this sad condition, as I am afraid he will, these few rules I desire to present the people in a desolation publike. 1. The Law (a) of warfare is, (especially in a good cause) Doe not follow, doe not flie an onset. 2. Every spirituall warre consists in a conflict betweene the reason and the will: Does ours so? surely it doth.

1. It is reason the *Militia* be in safe hands.

2. Reason the Parliament punish grosse offenders.

3. Reason men should part with some to defend all.

4. (b) Religion, things be taken out of the Church that doe offend.

3. Allegory. God is a Warriour, and continually fighteth against the sinner, his enemy; How does he defend? Oh he is got into a walled Towne called Obstinacy, the ditch about it is a great depth of sin, the Turrets of those wals are pride, and height of spirit; but what are his weapons? resistance of the holy Ghost, and a wilfull extinguishing the light of his owne conscience; his Captaine, blindnesse, and his souldiers in this warre, inordinate affections; his Counsellour is folly, and his conquest hardnesse of heart, with the forsaking of God and security. Apply this to our present condition, and you shall finde it to be *Englands* Looking-glasse.

The two next points, viz. the battell and the victory, yeeld us this:

Doct. 2. (c) That Christians ought in times of sadnesse to contemplate the actions of warre which are severally performed, viz. on mans part the former, for they can fight; but on the part of God the latter, he ordereth the victory.

Reas. 1. God orders hereby our sight of things, so 2 *King.* 6. 16, 17. we see but halfe, if we see man onely: We see him taunting, vaunting, boasting, threatening, he will doe this, and bring to passe that, but wee see God determining, *Esa.* 37. 33. He shall not enter into this City, nor, &c.

Reas. 2. God would hereby guide our affections, grieve, feare, joy, &c. If a man see nothing but man, he sees nothing but feare. They enquire in *Flanders*, they aske at Sea, Are not all the Round-heads kild yet? Cloisters, and the whole rabble of the Romanists, all contribute heads, hearts, hands, purses, and all to this warre: yea *Antickrist*, *Tua res agitur?* is thy work a doing? But turne me out one of thy companions that can give the victory; no, that is out of all your reaches, see 1 *Sam.* 14. 20. It is God that giveth victory unto Kings, *Psal.* 144. 10.

Reas. 3. God hereby orders his owne acknowledgements. No sacrificing to our nets, God will have the glory: *Exod.* 15. and *Jud.* 5. are monumentall chapters for such a purpose.

Use 1. The Christians contemplation: here is matter for the most excellent understanding whatsoever, and as *Paul* said to *Timothy*, *Ep.* 2. c. 2. v. 8. Remember that *Jesus Christ*, &c. so say I, let all be remembred, but especially fundamentall truths: There is a counsell well given, *Act.* 5. 39. yea and well taken too, for *vers.* 40. to him they all consented; in what? in this maine

VOL. II.

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thing,

(a) *Jus legionis facile est.* 1. *Non sequi*; 2. *Non fugere bellum.* *Veget.* lib. 2. cap. 17. (b) *Matth.* 13. 41. (c) 2. *Things in warre to be seen.*

thing, that if it be of God there is no resistance, lest happily we be found fighters against God.

To his Majesty. If I had such a proffer from the King as sometimes *Salomon* had from a greater then he, 1 *King.* 3. 5. Aske what I shall give thee, I would first desire the contemplation of my deare Sovereigne fixed on this point; We will not remember misled *Abab.* 1 *Reg.* 22. for feare the parallel should not be good enough: But we will thinke of good *Iofia* one of the best of Kings, 2 *Chron.* 35. 21. 22. Leave off to come against God which is with me, lest he destroy thee: but *Iofia* hearkened not to the words of *Necho*, which were of the mouth of God. Next yee Patriots of our (a) Countrey, I shall desire your remembrance of this point that you may be called, (as heretofore, in such times, and upon such occasions as now) be called I say the Parliament working wonders. (b) Of you yee Citizens and Countey-men, I desire the reading of *Iud.* 5. 6. the high wayes were (I say will be) unoccupied, but observe *vers.* 8. they chose new Gods, new Devils rather, and then was warre in the gates.

Use 2. The Christians consolation, *Nec temerè, nec timidè*, men and Christians too, both or neither. *Hezekiah's* method (me thinkes) is excellent, *Esa.* 36. 21. with 37. 1. (c) Say nothing to that blasphemer, but (if they should say) Sirra, we will complaine of you to one that shall take you to taske; an excellent course, be you carefull in nothing, (that is, unbeleevingly, distrustfully so) but make your requests to him who gives the victory, guides the bullets, orders the battell, appoints the successe, *Psal.* 115. 3. is in heaven, *i. e.* on high, and therefore 1. fees, 2. and doth whatsoever he will, 3. and he is our God: Of our persons? yes: if not so, of our cause he is the God sure.

Directions.

1. The old (d) rule: the dividend of victory was betweene the Commander, the Souldier, and Fortune: the last should be first; I am afraid the last hath too little for his part.

2. *Quid est victoria?* It is said of old, It is (e) no shame to be overcome of him, whom to overcome were a shame; nor is it uncomely to be under him, whom God hath set over all. This is for the King indeed, indeed I intend it so; and it is for the Parliament too, all good Kings and Christians should intend it so. The Chronicle saith of King *Edw.* 2. (f) that he was never so overthrowne, as when he had overthrown so many brave and wise Souldiers; no such victory against the King, as for him to have victory against the Parliament.

3. There

(a) 2. The Parliament. (b) 3. The Kingdome. (c) *When the Blasphemer brags tell God of him.* (d) *Plutarch* in vita *Thrasibuli.* (e) *Non esse turpe ab eo vinci, quem vincere esset nefas; neque ei inhoneste aliquem submitti, quem fortuna super omnes extulisset.* *Dictum Armenii Pompeio.* (f) *Tunc vere victus quando tot vicit prudentes, milites.* *Walsingham, Ed. pag. 95.* *Ut superaret victor prius 5000. hostium istius Reip. aut 5. victorias obtineret; vide Isid. Tranquil.*

3. There were in *Rome* certaine *Lawes* for their triumphs, that first the Conqueror should have got five victories: Allegorically, to have overcome his five senses, that is, himselfe. Oh such a victory on any side were worth a triumph! and surely that side is nearest the deserving of it that seeke not their owne ends or glory, but his that sent them.

The fifth part, that is, the entertainment and sad welcome of the newes of a victory, gives us this doctrine.

Doctr. 3. That a victory even to them that most desire it may peradventure turne to be a thing sorrowfull enough, *vers.* 2. the mirth into mourning, the joy into griefe enough.

Reason 1. Is drawne from the things which must or may be before a victory; I shall only quote the instance, *Iud.* 20. 21, 25, 35. with 21. 3, 6. see here a victory full of blood before, and water, that is, teares afterwards: (a) Oh these wonderfull punishments, just, yet secret, secret yet just, so his Judgements, as that they are also our finnes, God deliver us from them.

Reas. 2. From the things which are after the victory. In heate of blood Men doe any thing, but after, if conscience beginne to speake, Oh then such things as these (b) will be thought on: First, the number of Christians: Secondly, the manner of their death: Thirdly, the feare of damnation: Fourthly, the illnesse of the Quarrell: Fifthly, my ingagement to defend it: Sixthly, *Oblationes pacis*, prayers for peace: Seventhly, cause of refusall thereof, as dissimulation, &c.

Use 1. Information of the danger: *Hoc dulce inexpertis est:* We must be knowing men in our dangers. May I have leave to distribute them?

Dangers in war. 1. Danger of not parting with money, so in the wars at *Constantinople*.

2. Danger of sedition, so in *Jerusalem*, in *London*.

3. Danger of emulation, so in our Gentry and Army.

4. Danger of mercenaries, so at *Brainford*, and every where.

5. Danger of sinne, the danger of all dangers.

Object. Best to leave all?

Sol. That were the basest of basenesses: (c) Now there is a danger fitting the minde of *Alexander*. There is necessity (says he (d)) of Sayling, no necessity of living. So say I, a necessity to fight, none to live, in servitude especially, *Ephes.* 6. 10. It is Gods method to teach so, his peoples, to learne so.

Prepare therefore, shall we? Oh by all meanes possible, spiritually especially, a *Moses*, with an *Aaron*, and *Hur* to your *Joshua*, Mountaine men, and valley men, *Exod.* 17.

Use 2. Your doubt is the next use, and that thus, now every man can easily tell how he stands affected, but afterwards if our *Absolom* be kild, what

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then?

(a) *Pœnæ mirabiles*, Cajetan. (b) *Secundæ cogitationes*. (c) *Nunc periculum per animo Alexandri*. (d) *Pompeius*, See *Plutar.* in *vita ejus*.

then? how then will you be affected in such a case? will you not love Religion the worse all your life time? *Numaes* Temple of old had this Inscription, (a) *The Temple of Faith and Peace*. Faith first, and secondly Peace: Christian keepe those two in that order in thy Soule, and take with thee these three guidances.

Understanding. First, See the worlds order, *Numb.* 16. 41. they will have liberty to say; ye have killed, but we must not say, ye have set your selves against God, and therefore we are against you, and yet this is very true; if the effect be ours, the cause is yours, that's certaine.

Prayer. Secondly, Pray that that piece of the Psalme may be fulfilled, *Be wise now therefore O ye Kings*. Much, much must be in Kings, *Solomon* the Sonne shewed such a Master-peece, *1 Reg.* 3. 28. All *Israel* admired it, and feared him; So *David* the Father here, the danger of losing his people, is turned into the delight in gaining them; So King *James* the Father, shewed a Master-piece of skill in that great danger (b); And pray we that God will guide our Royall Sovereigne his Sonne, that he will kisse the Sonne of God, lest he be angry, and so he and wee too, perish from the right way.

Boldnesse. Thirdly, Pray wee that boldnesse may be given to *Joab*, *Micaiah*, *Jeremy*, &c. they may suffer much ill, but nothing to the good they shall doe: I shall present them with the Apostles reckoning, *Rom.* 8. 18. And if we reckon otherwise we reckon wrong.

The sixth part, viz. *Joabs* inference followes, and presents us with this.

Doctr. 4. That in sad times, and times of imminent danger, the greatest of men ought to suffer themselves to be very plainly dealt withall.

Kings have at such times given leave, and Priests and Prophets taken leave, so to deale with the greatest of men; *Jerem.* 38. 20. But *Jeremy* said, they shall not deliver thee, hearken unto the Word of the Lord, &c. So *2 Chron.* 15. 2. *Eliab* with *Ahab*, *1 King.* 18. 18. *Nathan* with *David*, *2 Sam.* 12. Flattery is odious at all times, but at such times, it is both odious and dangerous: And if ever the Lord take away from the godly, their abilities, or liberties of Admonition, Prayer, Preaching, Reproofe, &c. it is a dangerous presage of ruine, or some great judgement, *Jerem.* 7. 16.

Reason 1. So then, we should take and have given us times of danger, more boldnesse, for sad times worke much upon sympathizing hearts, especially such as know themselves deputed to be serviceable for such reasons. See the spirit of the Apostles how it is raised: We cannot but speake, *Act.* 4. 20. And *Act.* 20. 24. My life is not deare, so I may carry on the service a little: What need men venture their necks, their lives, to defend the cause? Oh their conscience and the Commandement of God, Gods Spirit, the Churches ruine, all concur and become mightily, yea irresistibly operative for the publique.

Reason 2.

(a) Πίστις καὶ εἰρήνη. (b) Gunpowder Treason.

Reason 2. God gives another Spirit, as to *Caleb*, *Numb.* 14. 24.

Gives warnings, as to (a) *Hierusalem*, fills the Aire with sights and Comets. As the Cockes crow loud and thicke before a storme, so these before a Judgement.

This begges excuse for us, others, all well-affected sympathizing ones in times of sadnesse.

Not so much manners, discretion.

For believe it, Honorable and well-beloved in Jesus Christ, they cannot helpe it sometimes.

Note. And marke the instance *Amos* 7. 13. Prophecie no more at Court; No? See *ver.* 16, 17. He that sayes so, and dares to silence the Lord of Hoasts, his Wife shall be a Whore in the City, and his children shall fall by the sword, &c. *v.* 17.

But let us see the parts of the Kings chiding:

First, His blame is plainly laid downe: *David* was a very happy King here, in the plaine dealing of *Joab*, elsewhere in *Nathan*.

Kings are not more unhappy in any thing, then this, their flatterers and falsifiers with their entertainment, reward hearing.

But is it true that *Joab* charges the King withal?

The Lord forbid that any thing but truth should be charged upon the Lords Anointed. Then for Answer,

1. Simply and by itself, *David* really hated to shame them that preserve him and his.

2. But it is by accident thus: as if *Joab* had said, Sir, I perceive there are in your heart two things, in great competition, striving for preheminance, your *Absolom* first, and then your People. Now because he hath gotten so much of your heart, therefore we get so little. And thus *Joabs* charge is true laid to the King; and thus may the Subjects charge against the King be true, if lying under the like cause of complaint.

But the second part is *Joabs* Demonstration, *In that thou lovest thine enemies, and hatest thy Friends*: Is this true? Yes, with this qualification;

1. Negatively, I doe not say alwayes you doe so, but in this particular.

2. Not in all particulars neither, but in particulars of (b) competition, *q. d.* *Joab*; Sir your *Absolom* and your *Adonijah*, you may love them wel, but not better then your own peace, your owne people. If the Queene of your bosome stand in competition with your Kingdome, your people, you must not love her better than us, then it: *Sapientia optime cernitur in comparatis*. I conclude this with a History I have read: the Emperour (c) was charged with defect and want of care in government, by his Nobles and Princes moved

(a) The River of *Jordan* turned out of its course to *Pella*, a yeare together: a Comet like a flaming Sword over *Jerusalem*. At Sacrifice a Calfe brought forth a Lambe. See *Eusebius* and others. (b) No misery greater to us in this sad time then this, Religion is in competition with Barbarisme, purity with popery; the latter hath store of carnall men for it, for they love it, the former seene and loved of few, and therefore of few imbraced. (c) *Turk. history*.

moved thereto (as they alledged) by the too much love of a Lady his Concubine : Whom in a great assembly the Emperour shewed to all his people on a time, and they concluded that in regard of her excellent beauty, they could not blame him for being misled by her, and so were contented. But (saith he) that you may know how little I regard her in comparifon of you, he drew his cemyter and kild her before them all. If our Religion had stood in competion with any thing but Popery, our Parliament with any thing but the Gentry and Delinquents, they had never been so neare a miscarriage.

But the third part is *Joabs* humble request : *Now therefore, &c.* It is in a triplicity :

First, *Surge*, you are false Sir very low, a King of others and not of your selfe, how shall you rule their passions that cannot guide your owne ?

Secondly, *Egredere*, you are in prison, the worst of prisons, *Mens captiva manet*, a bird may be kept so long in the cage, that at length she will not out though the doore be open.

Thirdly, *Loquere super cor*, speak comfort, we have heard sorrow enough, we desire now comfort, and it is only to be had in you, and with a word, a comfortable aspect upon your people, you may give it them.

And the fourth part is *Dauids* great danger, if this be not done, *viz.* the Peoples desertion.

But who shall apply this ? Who may ? Who dare ?

First, Let it be applyed to our *David*, and tell him ye pillars of the People first : Then bring it swiftly to him some of you also, ye Charets and Horsemen of *Israel*, that there are but two (a) governments. First, as the Soule governs the body. Secondly, as the reason, the appetite. Our Kings government is not like the first, he cannot enliven us as the Soule doth the body : Then let it be like the second, as the reason doth the appetite ; how is that ? by commanding reasonable things.

Secondly, And take heed you speake our sense. We doe not, (b) we dare not thinke his Sacred Majesty, doth intentionally hate his friends, and love his foes, but that something is unhappily got in competition with us, which yet God hath not discovered to him.

Thirdly, And let this be done dutifully, humbly, in a Subjects posture, and as to a *David* indeed.

Fourthly, And yet so boldly that you propound the danger, with this direction also, which is none of mine, *Scopus nostræ professionis est ut, &c.* the scope of our Profession is, that we be obedient to all Superiours, so long as this obedience brings no detriment to the Soule : but if it come to this, we must dare to use our owne Liberty. *Epist. Synod. cui nomen Libellus supplex, & vide Tom. 1. Fol. 803. Conc. Ephes.*

The seventh part, the event on the Kings part, he comes to the place of Judicatory, on the Peoples part, they come to the place of auditory.

Doctr. 5.

(a) Two kinds of government. (b) The Mother of *Artaxenes* had wont to say, that they that would addresse themselves to Princes, must use ῥήματα βυσσίνων, Silken words. *Plut. Apophtheg.*

Doctr. 5. The retractations of publique persons, as Kings, &c. are exceeding attractive, like the great wheele in the watch: *Instan.* 2 *King.* 22. 12.

Reason 1. There is a concurrence, and commoving in, and with such actions; before goeth *Dauids* action, after comes the peoples affection, a heavenly order; so dealeth God with his People, as you may see, *Psal.* 116. 1. 8, 9, 10, 11, 12, 19. and 2 *Chron.* 15. 8. 12. 16. The King shewes himselve zealous of their good, the people shew themselves as zealous of his glory, he Crownes their desires, they his Temples.

Reason. 2. There is a seasonablenesse, in this retraction of *David*, which is observable, before the mischief grow too bigge, before the Devill tempt, before the heart be hardned, before the approach of flattery, or evill counsell, the good God suggesteth, and the good *David* obeyeth, to returne to his People that they may returne to him, &c.

Use 1. Pray for audience in this particular, this day of God, and of the King.

In relation to us they are Gods (our Governors I meane) but in relation to God, they are but men.

First, Present good, *viz.* that of retraction in things amisse, that they owe to us.

Secondly, The future good, that of submission and obedience, that we owe to them. With them both, and with all those things which make to the best and blest establishment of Peace and Truth amongst us, the Lord of Heaven be intreated to blesse both the King and People in this much distracted Kingdome, for his deare Sons sake, *Amen.*

To the Kings most Excellent Majestie, The humble Petition of your Majesties most loyal Subiects the grand Jurie impannell'd 11th JULY 1646. to serue at the general Assizes holden for the Countie of *Berkshire*, in the behalfe of themselves and the rest of the body of the Countie.

SHE W E T H, that whereas the petitioners, have beene of late yeares, and still are much burdend with sundry grievances, of diuers natures, deriuing their Authoritie from your Majestie, but beeing directly Contrarie to your M A J E S T I E S L A W E S, established in this your kingdom, the chiefe of them presenting themselves in a schedule hereunto annexed, for redresse whereof, (as your Petitioners hoped) your Majestie was graciously pleased about the midle of *April* last, to assemble your greate Councell commonly called the high Court of Parliament and some 3 weekes after to dissolue it, for want (as it seemes to your petitioners) of a good Agreement betwixt the two howses, and neuer the lesse since the Dissolution, to ex-
presse

preſſe ſuch a fatherly care of your poore People, that your Maieſtie hath vouch ſafed by your printed Declaration, to invite them to the powring out of their Complaints unto your princely Eare.

It may therefore pleaſe your moſt Excellent Maieſtie to take the ſayd Particulars into your tender Conſideration, and to give your Petitioners ſuch eaſe therein, as in your Royall wiſedom ſhall ſeeme fitt, and whereby it may appear to all your Maieſties ſubjects, eſpecially thoſe of your Maieſties moſt honorable Priue Councell and your other Officers and miniſters of Juſtice that your Maieſtie is reſolved to Continue vnto them all their Rights and liberties which they deſired by their Petition of Right, and were Confirmed by your Maieſtie in the 3d yeare of your Reigne, and your Petitioners as bounden ſhall ever, &c.

A Schedule of ſuch grieuances as doe moſt oppreſſe this Countie.

- I. The ILL E G A L L and inſupportable charge of Shipmony now the 5th yeare impoſed as high as euer though the ſubieſt was not able to pay the laſt yeare, being but a third.
- II. The N E W tax of Coate and Conduſte mony with the vndue meanes vſed to inforce the payment of it by meſſengers from the Councell table.
- III. The Compelling ſome FREEMEN by imprifonment and threatnings to take P R E S S E-mony, and others for feare of the like Imprifonment to forſake their places of habitation, hiding them ſelves in woods; whereby their families are left to bee maintained by the Parrish, and harveſt worke vndone for want of labourers.
- IV. The infinite number of MONOPOLIES vpon euery thing (almoſt) the Country muſt buy, beſide the eaſterne part of this County, nere your Maieſties forreſt of *Windsor* is particularlie burthened i with the vnmeaſurable increaſe of Deare, which if they ſhall goe one for a few more years will leave neither food nor Roome for any oyer Creature in the forreſt. 2. With the rigid execution of the forreſt lawes in their Extremities. 3. With Exaction of immoderate fees by ſome officers vnder the lord Chiefe Juſtice in Eares.

To the Kings most Excellent Majestie.

The humble petition of the gentrie in your Majesties County of
YORKE, now assembled at the Assizes in YORKE, the 28th of
JULY 1640.

May it please your Majestie,

YOUR most humble subiects shew to your most sacred Majestie,
that in all humility, this Countie hath indeauoured to fulfill your
Majesties commaunds, with the forwardest of your Majesties
subiects, and the last yeare in the Execution of your Majesties
Royall Command: About the military affayres, did expend an hundred
thousand pounds, to our great impouerishment, far aboue the proportion of
other Countreyes, Which although at that time, wee were very willing out
of our Desires to serue your Majestie; yet for the future, the Burthen is soe
heauy that wee neither can, nor are able to beare it. Now vpon this our
Chearfulness to serue your Majestie, wee hoped to haue found equall fauor
with other Countries.

But soe it is most gracious Souraigne to our great grieve, and (as wee con-
ceiue) to the greate Differuice of your Majestie, wee find our selues oppres-
sed, with the billeting of vnrule Souldiers, whose speeches and Actions tend
to the burning of our Villages and howses, and to whose Violence and Info-
lencies wee are soe daylie subiect, as wee cannot say wee possesse our Wiues,
Children, and Estates in safetie.

Wherefore wee are imbolden'd humbly to present these our Complaints be-
seeching your Majestie, that as the billeting of Souldiers in any of your sub-
jects howses against their will is Contrarie to the ancient lawes of this King-
dom, confirmed by your Majestie in the Petition of Right; wee most hum-
bly desire your sacred Majestie, that this insupportable Burthen may bee taken
of from vs, least by their insolencies, some such sad Accident may happen,
as will bee much displeasing to your sacred Majestie and your loyall and obe-
dient subiects, who will neuer cease to pray for your Majesties long and hap-
py raigne ouer vs.

*Philj. Wharton,
Fer. Farfar,
Hen. Belasses,
Will. Sauill,
Fran. Wortbley,
Tho. Gower,
Jo. Hotbam,
Edw. Stanhop,
Hen. Griffith,
VOL. II,*

*Will. Sheffield,
Rich. Darley,
Jo. Ramseden,
Hugh Chomeley,
Hue Bethel,
Will. Strickland,
Phil. Stapleton,
Geo. Wentworth,
Tho. Reminton,*

P

*Tho. Metham,
Tho. Gower, jun.
Robert Strickland,
John Ledgerum,
Geo. Butler,
Fra. Mounton,
Hen. Chomeley,
Geo. Trotter,
Hen. Darley,*

Richard

Richard Remington,
William Franckland,
Thom. Heblefwhaite,
Christo. Peartghay,
Hen. Anderson,

Edward Gower,
Geo. Creby,
Jo. Persey,
Geo. Manwoud,
Brian Stapleton,

Tho. Hesketh,
Ing. Hopton,
Jo. Aulaby,
Maram Morclife,
with others.

The PRIVILEGES of the House of COMMONS in PARLIAMENT Assembled. Wherein 'tis proved their Power is equall with that of the House of Lords, if not greater, though the King joyn with the Lords. However it appears that both the Houses have a Power above the King, if He Vote contrary to them. All which is proved by severall Precedents taken out of Parliament Rolls in the TOWER.

By P. B. Gentleman.

WHen after the period of the Saxon time, *Harold* had lifted himself into the Royall Seat; the great men to whom but lately he was no more than equall, either in fortune or power, disdaining that Act of Arrogancy, called in *William* then Duke of *Normandy*, a Prince more active then any in these Western-parts, and renowned for many Victories, he had most fortunately atchieved against the French King, then the most potent Monarch in *Europe*.

This Duke led along with him to this work of glory, many of the younger Sonnes of the best Families of *Normandy*, *Picardy*, and *Flaunders*, who as undertakers, accompanied the undertaking of this fortunate man.

The Usurper was slain, and the Crown by this Duke was gained; and to secure certain to his posterity, what he had so suddenly gotten, he shared out his purchase, retaining in each County a portion to support the Dignity, Sovereign, which was styled *Demencia Regni*; and assigning to the rest of his Adventurers, such portions as suited to their quality and expence, he retained to himself, dependancy of their personall service, except such Lands as in free Alms were the portion of the Church; and these were styled *Barones Regis*, the Kings immediate Freeholders, for the word *Baro* imported them no more.

Now as the King to these, so these to their followers, subdivided part of their shares into Knights Fees, and their Tennants were called *Barones Comitatus*, for we (as in the Kings Writs) in their writs, *Baronibus suis & Francois & Anglois*, the Sovereign gifts for the most part extending to whole Counties, or Hundreds; an Earl being Lord of the one, and a Baron of the inferiour Donations to Lords of Townships or Mannors.

And

And as the Land, so was all course of Judicature divided, even from the meanest, to the highest portion, each severall had his Court of Law; preferring still the manner of our Ancestors, the Saxons, who *jura per pages reddebant*; and these are still termed Court-Barons, or the Freeholders-Court, twelve usually in number; who with the Thane or chief Lord were Judges.

The Hundred that was next, where the *Hundredus* or *Aldermanus*, Lord of the Hundred, with the chief Lord of each Township within their Limits were Judges.

The County or *generale placitum* was the next, This was to supply the defect, or remedy the corruption of the inferiour Courts. *Ubi curiæ Dominorum probantur defecisse, pertinet ad vicecomitem provinciarum*; and the Judges here were *Comites, Vicecomites, & Barones Comitatus qui liberas terras habebant*.

The last and supreme (and upon which I am to treat) was *generale placitum apud London, Universalis Synodus* in the Charters of the Conqueror, *Capitalis curia* by Glanville, or *magnum & commune consilium coram rege & magnatibus suis*.

In the Rolles of Henry the third, It is not Statute but summoned by Proclamation, *Edicatur generale placitum apud London*, (saith the Book of *Abingdon*) whether *Epium Duces principes, Satrapæ rectores, & causidici ex omni parte confluxerunt ad istam curiam*, saith Glanville: Causes were referred, *propter aliquam dubitationem quæ emergit in Comitatu, cum Comitatus nescit dijudicare*. Thus did *Ethelweld* Bishop of *Winchester*, transferre his suite against *Leofine* from the County, *ad generale placitum*; In the time of King *Etheldred*, Queen *Edgine* against *Goda* from the County, appealed to King *Etheldred* at *London*, *Congregatis principibus & Angliæ sapientibus*. In the tenth yeer of the Conqueror, *Episcopi, Comites, & Barones Regni ad Universalem Synodum pro causis audiendis & tractandis convocati*, saith the Book of *Westminster*; and this continued all along in the succeeding Kings reign, untill towards the end of Henry the third.

As this great Court or Councell, consisting of the King and Barons, ruled the great affairs of State, and controuled all inferiour Courts: So were there certain Officers, whose transcendent Power seemed to be set to bound in the execution of Princes Wills, as the Steward, Constable, and Marshall, fixt upon Families in Fee for many Ages; They as Tribunes of the people, (or *ex plori* among the *Atherians*) grown by unmanly courage, fearfull to Monarchy, fell at the feet and mercy of the King, when the daring Earl of *Leicester* was slain at *Evesham*.

This chance, and the dear experience, Henry the third himself had made at the Parliament at *Oxford*, in the fortieth yeer of his reign, and the memory of the many streights his Father was driven unto (especially at *Rumney-Mead* near *Stanes*) brought this King wisely to begin what his Successor fortunately finished in lessening the strength and power of his great Lords; and this was wrought by searching into the Regality they had usurped over their peculiar Sovereignty, whereby they were as the Book of Saint *Albans* termeth them, *Quot domini tot tyranni*; and by the weakning that hand of Power

which they carried in the Parliaments, by commanding the Service of many Knights, Citizens, and Burgeſſes, to that *Magnum conſilium*, or *generale placitum*, which we ſtill call Parliament.

Now began the frequent ſending of Writs to the Commons, their aſſent being uſed not only in Money, Charge, and making of Laws, (for before all Ordinances were paſſed by the King and Peers) but their conſent is likewiſe uſed in all Judgements of all Natures, either Civill or Criminall: In proof whereof, I will produce ſome new preſidents out of Record.

When *Adamor* that proude Prelate of *Wincheſter*, the Kings half Brother, had grieved the State by his daring Power, he was exiled by joynt ſentence of the King, the Lords and Commons; and this appears expreſſely by the Letter ſent from Pope *Alexander* the fourth, Expoſtulating a Revocation of him from baniſhment, becauſe he was a Churchman, and ſo not ſubject to any cenſure; to this the answer was, *Si dominus Rex & regni Majores hoc velint* (meaning his Revocation) *Communitas tamen ipſius ingreſſum in Angliam nullatenus ſuſtineret*. The Peers ſubſigned this answer with their names; and *Petrus de Mountford vice totius communitatis*, as Speaker of the Houſe of Commons. *Lib. S. Alban. fol. 20. Anno 44. H. 3.*

And by that ſtyle, Sir *John Tiptote*, Prolocutor, affirmeth under his Arms, the deed of intail of the Crown by King *Henry 4.* in the 8. yeer of his raign for all the Commons.

The baniſhment of the two *Spencers* in *Edward* the ſeconds time, *prælati Comites & Barones & les autres Peers de la terre & Communes de be Roialme*, give conſent and ſentence to the Revocation and Reverſment of the former ſentence; The Lords and Commons accord, and ſo it is expreſſed in the Roll.

When *Elizabeth* the Widdow of Sir *John de Burgo* complained in Parliament, that *Hugh Spencer* the younger, *Robert Boldock*, and *William Clife* his Inſtruments had by duſſe, forced her to make a writing to the King, where-by ſhe was deſpoiled of all her Inheritance; ſentence is given for her in theſe words, *Pur ceo que avis eſt al Evesques Counts & Barones & les autors grandes, & a tout Cominalte de laterre que le dit eſcript eſt ſuit encounter le ley, & tout manner de raiſon ſi ſuiſt le dit eſcript per agard del Parliament dampne elloques al liure a le dit Elizab.*

In Anno the fourth of *Edward* the third, *Parl. Prim. rot. 11.* It appears by a Letter to the Pope, That to the ſentence given againſt the Earl of *Kent*, the Commons were Parties, as well as the Lords, or Peers; for the King directed their proceeding in theſe words: *Comitibus Magnatibus Baronibus & alliis de Communitate dicti regni ad Parliamentum illud congregatis injunximus ut ſuper his diſcererent & judicarent quod rationi & juſtitie conveniret, & haberent pro oculis ſolum deum qui eum concordi, &c.*

When in the fortieth yeer of *Edward* the third, the Lords had pronounced the ſentence againſt *Richard Lions*, otherwiſe then the Commons agreed to. The Commons appeald to the King himſelf. and had redreſſe, and the ſentence entred to their deſires; Yet this does not prove that the Kings Power is ſo farre beyond the Parliaments, as that he can do what he will, notwithſtanding them.

When

When in the first yeer of *Richard* the second, *William Weston*, and *John Jennings*, were arraigned in Parliament, for surrendring certain Forts of the Kings; the Commons were parties to the sentence given against them as appears by a *Memorandum* annexed to that Record.

In the first of *Henry* the fourth, Although the Commons referred by Protestation, the pronouncing of sentence of deposition against *Richard* the second, unto the Lords; yet they are equally interessed in it as it appears by the Record. For there was made Proctors or Commissioners for the whole Parliament, one B. one Abbot, one Earl, one Baron, and two Knights, *Grey* and *Erpingham*, for the Commons; and to inferre, that because the Lords pronounced the sentence, the point of judgement should be only theirs, were as absurd as to conclude, That no authority was left in any other Commissioner of Oyer and Terminer, then in the Person of that man solely that speaks the sentence.

In the second of *Henry* the fifth, The Petition of the Commons importeth, no lesse then a right they had to Act and Assent to all things in Parliament, and so it was answered by the King; and had not the adjournall Roll of the higher House bin left to the sole entry of the Clark of that House (who either out of his neglect to observe due forme, or out of purpose to obscure the Commons right, and to flatter them, which he immediately served) there would have been frequent examples of all times to clear this doubt, and to preserve a just interest to the Common-wealth; and most conveniently doth it suite with Monarchy to maintain this forme, least others of that well-framed body, knit under one head should swell too great and monstrous: Monarchy again may sooner groan under the weight of Aristocracy as it once did, then under Democracy, which it never yet either felt or feared.

Certaine OBSERVATIONS touching the two great Offices of the *Seneschalfsey* or *High-Stewardship*, and *High-Constableness* of ENGLAND.

THE *Seneschalfsey* or *High-Stewardship* of *England* is known to be the greatest Office in *England* by reason of the authority it hath over all other Officers, which since the *Norman* Conquest hath long continued by descent inheritably in the Family of the ancient Earles of *Leicester*, was after translated to the house of *Lancaster*, and by *K. Henry* the fourth, of that stock, when he had obtained the Crown, was incorporate into the same, as all other the honours, Lands, and hereditaments of that house were. For the plainer manifestation thereof, it will serve wel to the purpose, before the Office, it selfe be described, to shew the first institution thereof, and to recount in order the succession of the Officers whilst it passed inheritably.

It

It is therefore to be understood that amongst the persons of chiefest account which entred this Kingdome with D. *William* of *Normandie* and were assistant unto him in the conquest thereof, one *Hugh Grauntmesuell* a Baron of *Normandy* was of special reckoning, whose father *Robert* of *Grauntmesuell*, one of the chiefest Noblemen of all *Normandy* reteined at home with him for his own comfort, and for the preservation of this stock, the elder of them named *Robert*, who succeeded him in all the inheritance of *Normandy*: but sent with the Duke his second son, called Sir *Hugh* of *Grauntmesuell*, who so demeaned himselfe in the enterprise, that when by conquest and strong hand the whole Kingdome was subdued by the *Normans*, their Duke regarding the good service of those that adventured and laboured with him, forgot not the praiseworthy deserts of this Nobleman, whom therefore he rewarded liberally with sundry great Territories and portions of Land in many shires of the Realm; as namely with those great Lordships *Peberworth*, *Merestone*, *Quenington*, *Weston* and *Wilcot* in *Glocestershire*, with divers Lands in *Ferendow*, *Meristow*, *Thorp*, *Welington*, *Staverton*, *Mereford*, *Newbottle*, *Middleton*, *Sutton*, *Biveld*, *Wodeford*, *Edgdow*, and *Ceroilton* in *Northamptonshire*, with *Wickingston* and *Hinkley* in *Leicestershire*, with divers Lands in *Edwolton*, and *Sandy-acre* in *Nottinghamshire*, and with *Ley* in *Suffolk*, as appeareth by the record in the Exchequer commonly called *Domesday*. Moreover he made him high Seneschal or Steward of the whole Kingdom according to the *Norman* usage, a dignity never heard of in this Land before, did further advance him in marriage with a great Lady inheretrix of sundry possessions, named *Adalisa* or *Alice*, on whom he gat two daughters, his heirs, the elder of them called *Petronelle* or *Pernell* was married unto *Robert* Earle of *Leicester*, surnamed *uecles blanches maines*, that is, *Robert* with the white hands, that was the son of *Robert le Rossa* Earle of *Leicester*, who was son unto *Robert* of *Beanemount* Lord of *Pont Adomare* and Earle of *Mellent* in *Normandy*, brother to Sir *Henry* of *Newburgh* the first Earle of *Warwicke* after the Conquest, unto whom the said *Pernell* brought the one moyity of her fathers possessions, and withall for increase, because she was the eldest daughter, together with the honours of *Hinkley*, the Office of Seneschalsie or Highstewardship of *England*, which were not partable as the other inheritances were.

The younger of the said Sir *Hugh Grauntmessuels* daughters called after her mother *Adalisa* was given in marriage unto one *Roger Bygot* a *Norman* with the other moyity of her fathers possessions; unto whom she bare divers sons and daughters, from the eldest whereof named *Hugh Bygot*, that was the first Earle of the East-Angles of this family, containing *Norfolk* and *Suffolk*, the other *Bygots* that were after Earls of *Norfolk* are lineally discended: between which two families contention had often been about the Office of Stewardship, whereof in this place to note what is set down in the record of the Exchequer called the red booke is not imperinent to this purpose, where it is said, that on the Sunday before *Candlemas-day*, in the 20. yeere of the raigne of K. *Henry* the son of K. *Iohn*, commonly called K. *Henry* the third, at the Coronation of his wife Q. *Elenor* that was the Earle of *Provinces* daughter, *Simon* of *Mountfort* then Earle of *Leicester* and high Steward of *England*,
lineally

lineally descended of the before-named *Parnell*, being ready the day of the Coronation to execute his Office of Highsteward, which by right appertained unto him, was forbidden and gainsaid by *Roger Bygot* then Earle of *Norfolk*, who being descended from the before named *Adalifa*, the yonger of *Sir Hugh Grantmesuels* daughters, alleaged that it was his right to exercise that Office, which controversie (as also divers others then moved) was heard judicially before the King, unto whom *Earl Simon* replying answered, that it was true that contention had been heretofore moved between their Ancestors for the same matters, in the daies of King *John* the Kings father, which was compounded and pacified for the service of ten Knights, or rather ten Knights fees, given by the Earle of *Leicester* unto the Earle of *Norfolk*, who therefore released all his title and right to the Highstewardship.

Whereunto because Earle *Roger* of *Norfolk* alleadged that there rested of these Knights fees, two and a halfe to be assigned unto him, *Earl Simon* made answer that he might well recover them with the Arrerages by the Laws of the Land, in the Kings Court, and ought not therefore to hinder him in the execution of his Office, seeing he acknowledged the former accord; and by vertue of the same was already in quiet possession of seven Knights fees and a half. And so was Earle *Simon* by the Kings own doom and sentence admitted to the quiet exercise of the Seneschallie at the same Coronation.

And now to return where we left, *Robert* Earle of *Leicester* that wedded Dame *Parnell*, was high Seneschall or Steward of *England*, and was the man for whose greatnesse of stomacke the walls of the Town of *Leicester* were rased to the ground because he took part with the yong King *Henry* against his father K. *Henry* the second, as histories make mention, begat on her sons and daughters, and after in K. *Richards* daies, the first, warring in the holy Land, was slain at the siege of *Acon*, in the yeere of our Lord God 1190, whose eldest sonne *Robert*, surnamed after his mother *Fitz-Parnell*, was after his death Earle of *Leicester*, and high Steward of *England*, of whom many worthy acts are by histories remembred, both of his prowesse in the field, and fidelity to K. *Richard* the first, with whom he continued as a most faithfull companion during the Palestine wars, was partaker of his evill fortune by being taken there prisoner, compelled to pay for his redemption 2000 Marks of Silver, and thereforefore constrained to sell his Castell of *Palsy* in *Normandy*.

But to be brieve and not to stay upon the Narration of these things. It serveth onely to the purpose, to note that he was one of our high Seneschals, and dying without issue of his body, in the yeere of our Lord God 1204. was buried in the Abbey of *Preux* neere *Leicester*, leaving his two sisters to be his heires, between whom the whole inheritance was divided, in the daies of K. *John*. *Amicitia* the eldest sister was married to *Simon* of *Mountfort* yonger brother to *Almalrick* Earle of *Eureux* in *Normandy*. And *Margaret* the yongest was wife unto *Saber* of *Quencie*, whom King *John* made Earle of *Winchester*, unto whom she brought the one halfe of the Earldome of *Leicester*, and of the honour of *Hinekley*; and among other Lands, the Mannor of *Grobye*, *Quitwicke*, *Shepesbend*, *Hales*, *Brackly*, *South-Keston*, *Timisbury*, and *Chimnomere*. *Simon* of *Mountford* according to the Law and custome of the Land, was in
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the right of his wife, being the elder sister, made Earle of *Leicester*, and high Seneschall of *England*, in the daies of K. *John*, but he enjoyed not long those honours, being for his contumacy and disobedience, both he and his children shortly after banished the Land, and his honours and possessions bestowed on Earle *Randolph* of *Chester*, who held them a great time, except onely the Patronage of the Abbey of *Preux* neere *Leicester*, and the Office of the Stewardship of *England*, which the King kept in his own hands.

This Earle *Simon*, a great warriour, was head and leader of the yong French King *Lodowicks* Forces, fighting against the *Albigenses* about the City of *Tholosa* where he was after slaine. These *Albigenses* because they began to smell the Popes treachery, and to controule the inordinate proceedings and discipline of the See of *Rome*, the Pope therefore accounting them as people hereticall, excited the French King to lay siege against the said City of *Tholosa* to expugne those *Albigenses* his enemies: But such was the mighty protection of God fighting for his people against the might of man, that the French could doe no good with all their Engines and Artilleries against the City but were forced to retire with great losse of people: among whom this Earle *Simon* of *Mountfort* generall of the Army, to whom the Pope had given a little before the Earle of *Tholosas* Land, was slain with a stone before the gate of the City in the yeere of our Lord God 1219. as likewise was a brother of his besieging of a Castle neere unto *Tholosa* at the same time; he left two sons of great fame, Earle *Almarick* of *Mounfort*, Constable of *France*, that was taken prisoner in the holy Land, and after his redemption in returning homeward dyed at *Idruntum* in *Italy*, Anno 1241. And *Simon* the yonger that after obtaining the good grace and favour of K. *Henry* the 3. whose sister he married, was restored to the Earldome of *Leicester*, and to the integrity of his fathers lost honours and patrimonies in *England*: a man was he of great courage, and renown, well experienced in the wars, and in matters of government, for long time had he been Seneschall and Governor of the Countrey of *Gascoigne*, for the King of *England* his brother in Law, which of his own accord he resigned contrary to the Kings mind, that greatly desired to reteine him in good affection towards him, both because he was a man of great power, wise and valiant, and for that the French laboured to make him their Seneschall; but such was the Earles hap that in the new begun variance between K. *Henry* and his Nobles for not observing the Laws of the Land, especially such new decrees as had been made at *Oxford* for the expelling of strangers out of the Realm, he was chosen chiefe Captaine and leader of the Nobility, and for the time so much prevailed in the enterprize, that the King was by them taken in the battaile neere *Lewes* in *Suffex*, together with his eldest son, and the King of *Romans* his brother, howbeit *Edward* the Kings eldest son escaping out of their hands, renewed the war, and at *Evesham* in battell slew this Earle *Simon*, and delivered his father from the hands of his enemies in Anno 1265. which was the 48 yeere of the raigne of K. *Hen.* 3.

Those that tooke part with Earle *Simon* were disinherited, and their Lands given to such as stood with the King; divers fled the realme, and amongst them

them *Simon* and *Guy*, and the other sonnes of this Earle, which escaped into *France*, leaving no posterity in this Land.

The King afterward gave the Earledome of *Leicester* to his younger son *Edmond* that was the first of *Lancaster*, and to his heirs, which ever afterward continued in the house of *Lancaster*, who beare the title of *Leicesters* Earledome, and withall held and enjoyed the office of high Stewardship of *England*, untill the same, with all other the honours, Lands and hereditaments thereunto belonging, was united to the Crowne in the daies of King *Henry* the 4. being of that stock, till that now of late it pleased the most Noble and vertuous Princeesse Queene *Elisabeth* our gracious Sovereigne to revive the honour and title of *Leicesters* Earledom in the person of the right noble Lord *Robert* of *Dudley* younger brother and heire to the right noble Lord *Ambrose* Earle of *Warwick* and Viscount *Lisle*, both sonnes to the high and mightie Prince *John* late Duke of *Northumberland*, lineally descended and heire in bloud of the bodies of *Robert* of *Beaumont* Earle of *Mellent* auncestour to the before-mentioned Earles of *Leicester* and of *Hen.* of *Newborough* Earle of *Warwick* Ancestour to the Earles sonne, both brethren as before hath been declared, and living in the time of the *Norman* conquest, as more plainly is shewed by Pedegrees deduced.

Thus much declared by way of preface or ingression to the matter in hand, and to shew that the office of High Stewardship of *England* hath heretofore passed inheritably in diverse families, as other great Offices have done.

It remaineth now to declare what these Stewardships are, with the authorities and prerogations to them belonging, and to produce such notes and observations as are extant touching the same.

And to begin with the chiefeft, the Seneschallsey or Stewardship *Seneschall.* of *England*, as it is not to be doubted of, but that it took begin. ing from the *Normans*, and was by them, first established in this land after their great conquest, and victory over the English Saxons in the yeare of our Lord God 1066 by their example of their home government in *Normandy*, where the Duke had under him for his chiefeft Officer a Seneschall or Steward, so cannot the right of this office be better or in briefer sort described then by setting down of the Dukes Steward faithfully in such sort, as it is to be seene written in the old customary booke of the Duchie of *Normandy* in these words following.

In times past there was to wander throughout *Normandy* a certaine Justicier greater then these before mentioned, who was called the Princes Seneschall or Steward he was wont to perfect and attend that which the other Justiciers had left undone, he kept the Prince, his land, the lawes and rights of *Normandy* he caused to be observed and amended, all that was not right done by the Bailiffes, whom he removed from the Prince his service, if he saw it expedient so to doe.

He was once to visit the Prince his forrests and inclosures, to keepe Courts of the forrests, to enquire how they were used, their customes he commanded to be observed delivering right to everie one as the same by antiquity grew due, or by Charter had been confirmed unto them, so discreetly conserving

the Prince his rights that in the observation of them he notwithstanding hurt none of his subjects. Such as upon diligent enquire he found faultie and to forfeit, within the forrest, either in trees, or in wilde beasts, or in free fowle, he was wont to punish by the purse, or for want of ability that way by long imprisonment. He chiefly gave his minde to keep the countrey in peace, and so wandring hither and thither throughout *Normandy* once every three yeares did visit all the parts and Bailiages thereof. To him it belonged to make enquiry in every Bailiage of the excesse and wrongs done by the under Justiciars, and likewise of common robbers, of violent deflowerers of Virgins, of murthers, of burnings, and of all those things which belong to the pleas of the sword, whereof peace and reformation had not been had in courts. Of all other criminall facts he likewise diligently searched and upon enquiry caused justice to be done throughout, he caused enquiry to be made of treasure digged under ground, of wrekes cast upon sand, and other the Prince his rights, the removing of waters, and the stopping and hindering of their courses did he reduce unto their old forme, so as their passage might be hurtfull to no body, if any man were minded to turn the course of any water running through his own grounds, the banks, whereof on either side were situated within his own fee he might lawfully doe it, so as the said water when it passed out of his ground might be conveyed into his old channel without any mans hurt or hinderance. It is to be understood notwithstanding that none may stop the course of any ordinary running streames within his banks or ditches longer then from the rising to the going down of the sunne. Neither may any one stay the course of waters with any new ponds ditches or sluices, but shall permit them to run their course, lest the mills standing upon their streams, or men in their affairs, Tanners, Diers, and such like should thereby suffer losse and detriment. If any shall stay them for the filling up of pools or ponds, they shall be bound to restore such losses as the Milners or others living by the passage of those waters shall have sustained by the with-holding of them, and waters shall be suffered to run their accustomed course. No man may erect a Fishing, or build a Mill, unlesse the water-banks on either side be within his own Fee, wherein he hath Liberties, Weares, or other such like things: for fishings may not be made in running streames, because by them oftentimes the waters are corrupted, yet notwithstanding they may bring the waters by Ditches and Trenches out of the running River into their grounds, so as the same return not back into the running stream.

It belongeth also unto the Steward to cause the bounds and limits of Towns and Villages the streets and paths to be revoked to their antient state, and to see that old accustomed highways be opened; for no man may in these cases alledge for excuse any lett or hinderance, wherefore he ought not to make amends unto the Prince. As for towne ditches and common streets, which serve to no private persons possessions, but are common unto all. If they be by any usurped or incroached upon, they ought to be restored to the common benefit, and they that doe occupie them, ought not to escape punishment.

All these things appertaine unto the Office and charge of the Seneschall, for the due execution whereof there needeth not neither plea nor assise, but whosoever he found cause, and he did therein, and provided as he saw needfull and expedient.

This farre forth is the High Stewards office described in the old customarie booke of the Duchie of *Normandy*, from whence came the first institution of the same with us in this Kingdome, established no doubt with no lesse authoritie and priviledge here under the Kings of this Land, then the same was then practised under the Dukes of that Duchy, whereof there is an especiall title written, though nothing Clerk-like among other matter in an old booke of Parchmine belonging as it is said unto the learned Lawyer and skilful Antiquarie Master *William Fleetwood* Esquire, one of the Serjeants at the Law, and Recorder of the Citie of *London*, which word for word followeth.

Here is shewed who is to be High Steward of England, and what his Office is;

THe Seneschallie or high Stewardship of *England* belongeth to the Earldome of *Leicester*, and of old time did thereunto appertaine; And it is to be understood, that it is his Office and immediately after the King to oversee and governe the whole Kingdome of *England*, and all the Offices of the Justice within the same Kingdome in all times both of Peace and Warre in manner following.

The manner how and when the Lord High Steward ought to exercise his Office by duty and Oath of Fealty is such.

Whensoever any man or woman shall come into the Kings Court in whatsoever Court it be and possibly unto the K. himselfe to seeke for redresse against injurie done unto them, and he or she be not able in due season to obtaine remedie. Then the High Steward of *England* ought and is bound to receive their Petitions and complaints, and to keepe them untill the next Parliament then after to be holden and to assigne unto such Complainants if he thinke good, a day wherein they may exhibite and prosecute their Petitions, and in full Parliament in the presence of the King to reprehend and blame that Officer, or those Officers, who ever they be, that so have failed in doing of Justice, and those thereof call to accompt unto whom in such cases every one throughout the Kingdome is bound to answer, the King only excepted.

If the Chancellour of *England* have failed of making originall remedy, and amends, and the Justices, Treasurers, Barons, and Chamberlain of the Exchequer, Steward of the Kings house, Escheators, Coroners, Sheriffs, Clerks, Bayliffs, and other officers of what places and respects soever they be in their Proccesses, Judgements, Executions of Judgements, and Justice to be made to the favour of th' one and losse of th' other party, for gifts bribes or other procurements shal fail or give over at the least-wise if any

Justicier, when as both parties pleading before them shall stand in Judgement, shall by such false procurements deferre judgement, contrary to Justice, and the Lawes and customes of the Land: If then the Chancellour of *England*, or any other of the Kings officers in such case shall alledge in Parliament and say for their excuse, that in that case such hardnesse and doubtfulness of the Law and rights did arise, when the same was heard and propounded before them, that neither he nor the Court of Chancerie or any other Court wherein he is an Officer, were able or knew to attaine unto the safe determination of the right; Then shall he open and declare the same Ambiguitie and doubt in Parliament; then if it bee found that the Law was doubtfull in that Case, the Chancellour or other Officer shall be held excused, and then shall the high Steward of *England*, together with the Constable of *England* in the presence of the King and other of the Parliament make choice of twentie five persons more or lesse, according as the case shall require, together with such other cases in that Parliament rehearsed, amongst whom shall bee Earles, Barons, Knights of the Shire, Citizens and Burgeses, who there shall ordaine, agree upon and establish remedy by Law in all such Cases, for ever after to endure; And those Lawes shall be recited written and allowed in full Parliament, and sealed with the great Seale, and delivered forth to all places of Law and Justice from thence forward to be holden for Lawes and in publick places, where it shall be thought expedient, they shall be proclaimed and divulged, whereas all other common Lawes, and chiefly Statute Lawes throughout all the whole Kingdome, ought to be publickly proclaimed.

If so it happen that there was in such like case either Common Law or Statute Law, so that the Kings Steward, and other of the Parliament may understand and perceive, that such default and delayes in Processe and Judgement doe happen by such Officers, when as the deceit and malice of such Officer hath openly and often before beene apparant, then shall he be removed out of his Office, and some other fit officer shall be put in his place; If they shall presume against the Justices and such other Officers, as by excusing themselves shall say, that they have not heretofore known themselves and the Courts, whereby they are in such Cases to deliberate and take advisement; Then shall they be admonished by the Steward, on the behalfe of the King and the Parliament, to studie and search better the Common Law, that no such ignorance or negligence bee found in them in the like Cases afterward.

If they shall happen to offend in the like againe; they then to be put out of their offices and other discreeter and more diligent persons shall by the King and his Counsell be assigned to their roomes.

Likewise it is the Stewards office, if the King have evill Counsellours about him, that advise him to doe things, tending openly and publickly to his dishonour, or to the dis-inheritance or publike hurt and destruction of his people.

Then the Steward of *England*, taking with him the Constable and other great estates, and other of the Commonaltie shall send to such a Counsellour, forbidding him in such sort to lead and counsell the King, and of such his
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evill Counsell shall make rehearfall, enjoyning him to depart from the Kings presence, and longer not to abide with him to his dishonour, and the publick hurt, as is aforesaid, which if he shall not doe, they shall send unto the King to remove him from him, and to give no more eare unto his Counsell, for that amongst the people he is esteemed to bee an evill Counsellour to the King against his Subjects.

If hereupon the King do not put him away, againe and often shall they send aswell unto the King as unto him.

If at the last neither the King nor such Counsellour of his have regard unto the Messages and requests made unto them, but shall refuse to doe thereafter: Then for the Weale Publick it is lawfull for the Steward, Constable of *England*, noble men and other of the Commonaltie of the Realme with Banner in the Kings name displayed to apprehend such Counsellour, as common enemy to the King and the Realme, to commit his body to Ward untill the next parliament, and in the meane time to seize upon all his goods, lands and possessions, till Judgement be pronounced of him, by the advise of the whole Kingdome in Parliament, as it happened unto *Godwine* Earle of *Kent* in the dayes of King *Edward* the Confessour, next predeceffour to *William* Duke of *Normandie*, Conquerour of *England*, who for such ill Acts and Counsels of his, was deprived of his Earldome, Escheted to the aforesaid King, notwithstanding at the Kings and Noblemens permission, *Godwine* came againe into *England*, and did after forfeit as before.

And as it happened likewise to *Hubert* of *Burgh*, Earle of *Kent*, in the time of King *Henry*, that was Sonne of King *Iohn*, who for his evill deeds and bad Counsell was apprehended, and by the high Seneschall, and other Peers deprived of his Earldome, by the allowance and consent of the whole Parliament.

And likewise did it befall unto *Pierce* of *Gavestone*, who in the dayes of King *Edward*, the Sonne of King *Henry* for such his evill Acts and Councells was banished out of all the King of *Englands* Dominions, as well on this side, as beyond the Seas, which *Pierce* of *Gavestone* afterwards by the Kings means, and by the favour and permission of the Nobilitie returned into *England*, and had of the Kings gift the Earldome of *Cornwall*, yet was he after that for his evill deeds and Counsels banished the Realme againe by the Nobles and Commons, and his aforesaid Earldome Escheated to the King, but returned afterwards without the Noblemens leave and consent, and did resort and associate himselfe unto the King as before he had done, which when the High Steward, Constable, and others of the Nobilitie understood, he was by them apprehended, and beheaded at *Blacklow* in *Warwick-shire*, as a publicke enemy to the King and to the Realme.

So have you as much as in the said old Booke is to be seene touching the Office of the High Steward of *England*.

After the death of any King or Queen absolute of this Land the high Steward of *England*, by vertue of his Office sitteth judicially, and keepeth his Court in the *Whitehall* of the Kings Palace at *Westminster*, neere unto the Kings Chappell, and there receiveth the Bills and Petitions of all such of the Nobilitie

Nobilitie and others, as by reason of their tenure or otherwise claime to doe services at the new Kings Coronation, and to receive the Fees and allowances therefore due and accustomed. As did *Iohn Duke of Lancaster*, Earle of *Leicester*, high Steward of *England*, &c. at the Coronation of King *Richard* the second, and *Tho. Pierce* Earle of *Worcester*, who exercised the same Office of the Coronation of King *Henry* the fourth as substitute and Deputie to *Thomas* the Sonne of the said King *Henry* then being very young, unto whom his Father had assigned that Office, being parcell of his owne inheritance, who before hee had obtained the Crowne, was not only Duke of *Lancaster*, as his Father *Iohn* of *Gaunt* had, but also was Earle of *Darby*, *Lincolne*, *Leicester*, *Hereford*, and *Northampton*, and by the Earledome of *Leicester*, inheritably also Lord high Steward of *England*.

And since the time that the said Office hath beene extinct in the Crowne by the Descent of the same unto King *Henry* the fourth, as heire to Dame *Blanch* his Mother, Daughter and Heire to *Henry* Duke of *Lancaster*, Earle of *Leicester*, and high Steward of *England*: experience sheweth that upon the Arraignment and Tryall of any Peer of the Realm, that is to say, Duke, Marquesse, Earle, Viscount, or Baron, or any of their Wives or Widdows upon Indictment of Treason or Felony, then to grant the Office of the high Stewardship of *England* (*pro illa vice tantum*) to some Peer of the Realm by Letters Patents, the tenour whereof hereafter ensueth, who instead of the Lord high Steward, that by ancient Law hath been holden for a competent and indifferent Judge betweene the King and such Peers, ought and always hath used to be Judge and give sentence of Acquittall or Condemnation upon the Peere arraigned.

The tenor of the Patent.

Regina &c. Præclarissimo Consanguineo & Consiliario suo .A. B. &c. saltem sciatis quod cum G. D. Marchio E. indictat. existit, &c. ac pro eo quod officium Seneschall. Angliæ cujus præsentia pro administratione justitiæ & executionis ejusdem in hac parte facienda requirit, ut accepimus jam vacat: de strenuitate, fidelitate, provida circumspectione & industria vestris plurimum confidentes, ordinavimus, & constituimus vos ex hac causa Seneschallum Angliæ, ad officium illud cum omnibus eidem officio in hac parte debitis sive pertinent. hac vice gerendis, occupandis, & exercendis. Dantes & concedentes vobis tenore præsentium plenam potestatem indictam entum prædictum cum omnibus idem tangendis a præfat. justitia nostris recipiendis & inspiciendis, ac ad certos diem & locum quos ad hoc provideritis ipsum Marchionem, &c. coram vobis evocandum & ipsum superinde audiendum, examinandum & respondere compellendum ac fine debito terminandum, Nec non tot & tales Dominos, Procures, & Magnetes hujus regni nostri Angliæ; ejusdem Marchionem. &c. & alios pares per quos rei veritas in hac parte melius scire poterit, ad diem & locum prædictum ex causa prædict. coram vobis comparere astringendum, &c.

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Thereupon the Lord High Steward directeth forth a precept to the Justices before whom the Indictment is taken, willing them to certifie the same Indictment at a day and place by him assigned.

And doth likewise direct another precept to one of the Serjeants at Arms, for the Summonition of the Peeres against the day of tryall in these words.

A. B. comes, &c. I. N. *servienti Domini Regis ad Arma salutem: tibi præcipio quod summon. tot & tales Dominos, Proceres, & Magnetes, hujus regni Angliæ predicti. C. D. Marchionis: E. &c. & aliorum pares, per quos rei veritas melius scire poterit, quod ipsi personaliter compareant coram me apud Westmon. 1. die Junii, &c. ad faciend. ea quæ ex parte Domini Regis, tunc ibidem in præmissis injungent, &c.*

The like precept doth he also send to the Lievtenant of the Tower of London, for bringing forth the Peere, being prisoner to his tryall and judgment.

It appeareth that at the Common Law, before the twentieth yeere of King Henry the Third, a Subjects having title to lands, which are in the Kings possession, might have a Writt to the Sheriff of the County, where the Land doth lie against the King after this manner.

Præcipe H. Regi Angliæ quod reddat S. L. centum acras ter. in D. &c.

But whether the Writt should be a Ward under the Teste of the High Steward or Constable of England, that is to be doubted of.

Touching the Office of the Lord Steward of the Queens House.

OF the Lord Steward his Office of the Queens House, being thorowly well known to the chiefe Officers of the Houshold, It seemeth needlesse to set down any notes, or observations, at all by reason of the daily and continual execution thereof still in practice, howbeit because there is left unto us from elder age, a forme thereof, is greatly to be regarded in these our days, this place serveth fitly for the exemplification of the same, so in such sort as it is set down in an old Book of Record, called *Domus Regis Angliæ*, preserved in the Counting-house of the Houshold, wherein the whole State of the Kings House is orderly described. And this Office amongst the rest after this manner ensuing.

The Steward of the Kings Houshold.

THE Steward of the Kings Houshold receiveth his charge of the Kings high and proper person, and the Houshold staffe in those words following. *Seneschall venetz le Baston de nostre Maison*, By which forthwith he is also Steward of the Marshalsey, that is the Court of Houshold, of which he is a Judge of Life and Limbe; and except those cases, the Treasurer, Comptroller, Cofferer, two Clerks of the Green-cloth, and the chiefe Clerk of Controllment, for any matters else done within the Houshold, or appertaining thereto, they sit with him at the Board of Doome, that is at the Green-cloth in the Compting-house, as Recorders and Witnesses of the Truth.

The state of all this excellent Household is wholly committed to be ruled and guided by his discretion, and all his commandements in Court to be obeyed and observed.

Also within the Household except the Kings Chamber, alway to be observed, covered out of the Kings presence, what great estate else that be present, as for a cup, a cupboard, and dishes, but none assay.

Also while he is present in Court, there ought no new commandement, charges of Officers, or any other person be made without commandement first of his person, for the Offices more sure discharge.

Also in the Household rules and judgments hee representeth the Kings estate, his staffe is taken as for a Commission.

Also he may in household of his power, adnull any custome not medled with worship and profit; or change it, and erect a new, such as shall seem to his wisdom by advise taken at Compting-board, for the better, and to the King and his Household of more honour and profit.

And in that he is head Officer, he giveth example to all others to be of Governance with inordinate rule, to be contented with moderate Costages within the Court in Liveries and Services taking Dinners and Suppers in the Hall and in his Chamber, or in any other Office as often as it pleaseth him to search and see the good said rules, and the directions in them.

He hath daily in the Hall eating one Chaplain two Esquires foure Yeomen, and in his Chamber daily for his breakfasts, and his Chamberlains meat at Supper and Livery for all night, eight Loaves, foure Messes of great Meat, two rewards of Roast, two Pitchers of Wine, six Gallons of Ale from Hollandtide till Easter, one Torch to attend upon himselfe, one Tortays to fetch his Livery by three Perches of Wax, six Candles of Wax, eight Candles *per* 5. viij Tallow, foure Faggots, Litter and Rushes all the yeer: of the Serjeant Usher of the Hall and Chamber, and after Winter season, foure Shyddes, two Faggots, and when him liketh to have more largely in any thing then his Chamberlain that doth fetch it, or receive it, must record thereof by Taile or Bill into the Compting-house.

Also the Steward taketh of the Compting-house for his Fee at Easter and Michaelmasse, twenty Marks, and for his Robes for Winter and Summer at the Feasts of Christmas and Whitsontide sixteen Marks, and for his Napery at the foure Feasts of the yeere by even portions, three pieces of Linnen Cloth in the great Spicery, or in money therefore of the Compting-house, in all 13 l. 1 s. 4 d.

And he hath one Yeoman of his Chamber still abiding, whilst himself is out of Court to keep his Staffe; taking for his Livery daily one cast of bread, two messes of great Meat for noon and night, one Gallon of Ale.

The Steward and Treasurer of this honourable Household, represent within it the State of an Earle.

Item, The Steward or Treasurer, or one of them is bound to be at the Compting-house, at the awayt of the daily Attempts of Household; and by the writing of Noble King *Edward* the Thirds Statutes. In case it passe for lack

lack of them three days unaccompted, that then they two shall acquite the Costages of the Kings Houshold for one day of their own proper costs.

The Steward and Treasurer make a Warrant yeerly at Michaelmas to the chiefe Butler of *England*, assigning him for how much Wine, and in what places of the Kings House, he shall lodge the same for the yeer following. For the daily expence of his Houshold, which hath and must with good oversight be sure of three hundred Tuns: And for other things look the Statute of noble *Edward*, *Anno* 15. *Edw.* 3. *cap.* 21.

Thus much out of the Book called *Domus Regis Angliæ*. Sir *William Stamford* the Judge in his Book of the Pleas of the Crowne under the title of *qui iudgera treason*, &c. who shall judge of Treason and Felony, by reason of their Offices without Commission, and who not, mentioneth the Statute made *Anno* 33. 44. 8. *cap.* 12. Whereby it is ordained that the great Master or Lord Steward of the Kings House only, and in his absence, The Treasurer and Controller of the Houshold with the Steward of the Marshalsey, or two of them, whereof the Steward of the Marshalsey to be one, may without Commission heare and determine of Treasons, of misprision of Treasons, of Murders, Manslaughters, and Bloudsheds perpetrated within the Kings House; for these, saith hee, are great and chief personages in whom the King reposeth such trust, that hee hath ordained them especially, for the safety and good Government of his Realm and Houshold.

More hereof is to be read in the Volumes of the Statutes, 25 of *Edw.* 3. *cap.* 21. 3 *H.* 7. *cap.* 14. 33. *H.* 8. *cap.* 12. Wherein the preheminences of the Lord Steward of the Kings Houshold are rehearsed, needlesse therefore in this place to be recited,

THE KINGS MAIESTIES SPEECH, as it was delivered the second of NOVEMBER before the VNIVERSITY and City of OXFORD. Together with a gratulatory Replication expressed by that learned Man Doctor WILLIAM STRODE, Orator for the famous Vniuersity of OXFORD.

IT brings great comfort unto me, that I am now almost in the heart of my Kingdome; and it brings more comfort unto me, that I am now in the hearts of my subjects. I would to God we had all one heart in earnest, that so neither my Kingdomes should suffer, nor I complaine. You see what is daily committed against me (who am indeed the father of your Countrey) and I am most sorry, that any part of my Kingdome should owne those subjects (who in pretence of religion) should lament it, and destroy it. I come not here as a Conquerour, but as your Sovereigne, and beleeve me, there is not a drop of blood hath fallen from a true loyall

subject, but I have sympathized with it. All the blood is lost, doth but open my wounds the wider, and I am sorry that you doe not understand it. Beleeve me on the word of a Prince, on the word of your Sovereigne, there is nothing more deare unto me than Religion, the Religion of my Father and the Royall Queene his predecessor, a religion which ever from her owne flames hath arised more pure, and multiplied. This is my businesse to you, in which I hope I shall satisfie both God and you. And since I have left the warre behind me, take peace and the day while you see it, I see the clouds make hast to overcome it. The Scepter is and must be mine, Vnite your selves to maintaine so honourable, so iust a cause, and what one hand cannot infringe, let many maintaine: You have God for your cause, you have me for his second; and since both are together, who can oppose us: You have seene the first and second victory, which the iustice and mercy of God hath beene pleased to bestow upon me. In the first we have taken prisoners and slaughtered the chieft of their men, which was the sinewes of victory. In the second, we have taken all their treasure, which is the sinewes of warre. Warre and Victory, Victory and Warre; and since the first is come unto us by necessity, I hope the second will bee devolved to us and to ours by inheritance.

Gentlemen, My heart doth bleed to see the losse of so many of my people, and where warre cannot preuaile upon me, piety hath done. I bleed in your wounds, and am much overcome to hear my selfe a Conquerour. Give me your hearts, and preserve your owne blouds. The heart of a Prince is kept warme with the blood of his subjects: the blood of the subjects being not to be preserved, were it not loyally entertained into the heart of the Prince. The movings of my Lord of *Essex*, did never trouble mee, I have offered my selfe in a quiet and inoffensive march, which I have found as open as it was in my progresse.

I have indeavoured after a desired reconciliation, and I hope ere many daies passe over, to see it accomplished. It shall be a great happinesse unto mee, if through the many troubles and trauails of my life, I can distill at last the Sovereigne Balme of peace into the desperate wounds of my distracted Kingdome.

The Speech of the Vniversity Orator to gratulate his Majesties comming unto Oxford.

High words cannot reach the ioy that your presence hath created in our hearts, which doe blesse our eyes for so desired an obiect. Learning doth acknowledge the mercy of Heaven in bringing your Maiesty to give voyce to the dumbe Academy, and renue the Muses, slaine by that *Briareus* of ignorance, which breathes nothing but Religions destruction. Our *Oxford* hath now throwne off all clouds of discontents, and stands cleare, guilded by the beames of your Maiesties Royall presence. The burden cast on me, is my ioy, or rather the ioy of the Academy, extasie into a learned amazement, and raptured into speech to see your Maiesty. All gratulation cannot
comply

comply with our thoughts, to shew the pleasure our fancie takes to behold your Maiesty. See Royall King, how *Oxford*, beauteous in her age, doth kneele, making teares of ioy a Sacrifice, and begging to be protected from threatned ruine. Shall the Spring of learning bee dam'd up? while ignorance doth teare and rend the Muses Garlands, as would both contemne and destroy Schollers: For no enemy can learning have, unlesse it be the ignorant. Your Royall Maiesty is by descent, a protector of learning, and borne (as your Father was) to bee the glory and defender of the Muses. This may strongly invite your love, wherein wee are already happy in some degrees. But wee feare a malignant enemy should violate our cleare *Minerva*, and banish from her both maintenance and glory. Pure zeale doth make them seek with one blow to destroy both learning and Religion, now bleeding and wounding by schismaticall heads, and expecting cure from your Royal Maiesty. Yet our feares are great, and grounded upon the unhappy fate of learning, which is despised of precise Schollers that weare black onely to mourne for the decease of learning. But ioy cannot imagine the time discreet for a iust reproofe, and therefore I must tell what pleasure doth refresh and water our thirsty Garden, rather then complaine of scorching heate of persecution. Our memory must not be active in striving to manifest sorrow incompatible with our present ioy. Enlarge thy selfe therefore *Oxford*: and let not any griefe so blinde thy heart to a stupid peace, but let loud gratulations wound the aire with reporting welcome to our Gracious King
C H A R L E S.

[It is reported by men of good credit and authority in the Citie of Oxford, and by those who with a watchfull eye have beheld all his Actions, that Prince Robert keepes his Souldiers in good Discipline, neither use those disorders committed by him, as is commonly reported.]

A S P E E C H delivered by the Kings Most Excellent Majestie, in the Convocation House at *O X F O R D*, to the Vice-Chancellour, Doctors, &c.

WE E have considered, Gentlemen, the loyaltie and readinesse which your selves, the chiefe of this famous Univerfitie, and the Students in generall, have exprest toward Our Person and affaires; and find in the demonstration of your affections, that you who have most industriously studied the best of Arts, and growne up to perfection in them, have likewise studied in them the perfection of obedience to Us your Sovereigne, excelling the rest of Our Subjects as much in that, as you do in all good learning and Sciences: Your knowledge
R 2 surely

surely of the resemblance the power and dignitie of Kings hath to that of the Divine Majestie, urging and enciting your minds to these so daily explanations and testimonies of your forward zeale to our service, which heaven will see shall not passe unrewarded. And for our part, We shall not so derogate and transgresse against that best of vertues, Gratitude; as not to esteeme these services of your courtesies, which Wee beleve the modestie of disposition, accounts meerely the obligation of your dutie to Us, as you are our Subjects. And if God had pleased, that the rest of our People and Cities had been of the same heart, that this Citie and your selves are, never had these unnaturall and lamentable distractions diffused themselves thorow our Dominions; Wee had at this time been peaceably at our palace in London, without this number of Souldiers, guarded only by our accustomed menial servants, our Parliament had proceeded cheerfully in the hard and doubtfull affaires of the Kingdome; that Citie (the constant Chamber of our Royall Ancestours) been free from the trouble of nightly and daily watchings in armes. No noyse or rumour of war had beene once heard in our dwellings, but everie man had eaten under his owne vine the bread of plentie, in peace and securitie; all the Natives of this Kingdome had acknowledged Us their loving Sovereigne, We them our faithfull Subjects, and with a fatherly care, as Wee have formerly, provided for their prosperities and well-fares. But the justice of the Almighty (for the sinnes of Us and our People) stirred up, at least gave way to the rising of these dissensions; they by what act of Ours mov'd to it, our innocence is ignorant) growing fearfull and jealous, that Wee endeavoured the infringement of their ancient and nationall liberties; and Wee on the other side, by their strange and rude deportment towards Us, engaged to beleve they intended tumultuously to invade Our Person in our palace: and had also no meane nor improbable conjectures, they aimed at the diminution of Our Royall Prerogative: But feares oft times make men of foundest judgements behold dangers, as thorow a perspective, which shewes them when they are at a remote and scarce-discernable distance, as nearest and most conspicuous objects, encreasing and multiplying the extent of their dimensions; so tender is every mans affection to himselfe. For but for these feares, which for our part Wee verily beleve now, were on both sides needlesse. And some misunderstandings between Our Self and Our Parliament, We had never deserted Them, nor They Us; but gone on hand in hand with a mutuallitie of faire correspondence and concordance: which yet Wee hope ere long will be re-united betwixt Us. So much We render the good of our Subjects equall with Our owne well-fare, that Wee daily in Our prayers implore the Divine Assistance, for a reconciliation of our Kingdomes distractions.

But this attestation of Ours, some over-precise zealots in the common cause, will not, perhaps, give credit to; Our charity can forgive their rashnesse, and wish they did as truly intend as they superficially pretend the prosperity of the Common-wealth, with the same fervour that Our Selfe always have done, and will doe to the uttermost. And for bringing in any Innovation into the Orthodox Doctrine of the Church of *England*, with which some maliciously

maliciously and inconsiderately slander the integrity of Our intentions, next to God Almighty, the knower of all secrets, and searcher of all mens hearts, Wee appeale to you Gentlemen, who are best of all other skilled in the tenets of our *English* Church, whether you have either heard, knowne or imagined, that We have directly or indirectly pursued any such practice. If directly, surely some of you, or some other reverend Divines of your acquaintance, who are best versed in the purity of Religion, would have been of Our Councell in that purpose, and so you must have either heard or knowne of it: if indirectly, it must have beene subtilly, and, as it were, by unperceived degrees. But what one new doctrine essentiall to faith hath been by Us, Our meanes or countenance introduced into the *English* Church, it is needlesse to excuse Our selfe to you whose judgements We are assured in Conscience acquits Us of any such attempts or intention. And so deserting this Theame which Wee cannot without great grieve of soule remember for its fatallity and obnoxiousnesse to Our selfe and Subjects, We must, Gentlemen, descend to the particularity of your truth, reallity and service to Us, Our Crowne and Dignity. And in the first place We give you Our royall thanks for your readinesse to give up your City and University into Our protection, and for the entertainment of Us and Our followers, wishing you to give credit, that though We could with as much ease to Our selfe and utilitie to Our affaires have withdrawne Our selfe to divers other of our good Townes or Cities, yet that there was no place in Our whole Dominions, since We abandoned for urgent causes Our royall City of *London*, that We accounted more faithfull to Us, than this Our City of *Oxford*, and so esteemed none apter to be made by Us the residence of Our Person: and here, if Our more weightie occasions call Us not hence, We intend to abide till We can with safety to Our honour and Person in peace returne to the *Jerusalem* of Our Nation, Our City of *London*, in which time of Our abode, and ever hereafter, We shall make it one of Our chiefeft endeavours to maintaine you and your University in all its ancient liberties and priviledges free from any infolencies or oppressions, either from Our owne souldiers or the Parliaments forces, which while Wee are present, certainly will hardly invade you: Nor is there a greater joy or comfort incident to Us amidst these troubles and distempers of Our State, then to behold this noble University, anciently, and in these times famous through the whole Christian world for its learning and profession of liberall Arts, animated by Our presence to reflourish with a numerous and hopefull company of students, who goe on cheerefully with their studies, growing up, as they doe in yeeres, so in good Letters, which, as one of the maine dignities of the Church and Kingdome of *England*, Wee shall labour to maintaine and preserve, especially in this your University, against all Innovations and oppositions: For Wee are confidently assured, that the Nurse of barbarisme is ignorance, of civility and humanity knowledge; nor is there any one cause that hath kept a great part of the world so long in slavery to the *Mahometan* misbeliefe, as that crafty tenet of their false Prophet, wherein he prohibites his sectaries, the study of, or acquaintance with the learning, that cunning Impostor (in that presaging truly) that the
madnesse

madnesse of his erroneous doctrine could indure no longer then the followers of it were blinded with a generall ignorance ; Wee shall therefore take care, lest that fatall contagion of ignorance doe over-shadow the light of good learning in Our Dominions, the originall of all the Schismes and Heresies which now too amply abound in Our *English* Church, deriving themselves from ignorance, that still goes accompanied with selfe-opinion, which in the most dull and mechanicke breasts ingenders those pestilent conceptions, that they as well understand the mysteries of faith and purity of Religion, as the most learned and Orthodoxall Divines or Doctors. But this is too large a digression from Our purpose, which was, Master Vice-Chancellor, to give you and these your assistants, for the whole University, Our hearty and Royall thanks for the late present your loyall bounty tendered to Us ; It was meerely unexpected from you, Gentlemen, as these times goe, and therefore received with a greater sense of thankfulnesse ; you studying, it should seem, as in all your expressions of service to Us, so in this last to out-doe and transcend your neighbours : And We are heartily sorry that your goodnesse should betray you to such an extraordinary charge, which since you would be at, to demonstrate over and over your good affections to Us, We could not choose but accept in as high a nature of thankfulnessse, as if you had presented Us the *Indian* wealth you wished Us ; and so Wee shall endeavour to let you know Wee esteeme your integrity towards Us, when heaven shall please, that by a faire reconcilment of differences betwixt Our Selfe and Our Parliament, Wee shall be abilited to make a full demonstration of Our Royall regards to you and your University. In the interim, you shall assure your selves We shall no longer desire to be King of *England*, then Wee shall strive to maintaine your rights and the priviledges and property of all Our Subjects.

Master VICE-CHANCELLORS SPEECH to His sacred Majestie at his Entertainment at CHRIST CHURCH in OXFORD on Newyeers day.

MAY it please your sacred Majesty, that I in the name of this University, may salute your Highnesse with the same words and wishes that the Noble Poet *Horace* once of old used to that great favourite of *Augustus*, and Patron of desert, *Mæcenæ*, according to that Poets testimony *Atavis edite regibus* ; namely, *spectatum satis est & donatum cum rude quæris*.

*Mæcenæ iterum antiquo me includere ludo,
Non eadem est ætas.*

Never any words ever suited our purpose with a more efficacious aptitude : for now wee may justly say in this University, *non eadem est ætas*, the face of times are so wrinckled on the sudden, that they who not long since beheld them

them young, faire and flourishing, looke upon them now, as if thy were quite banished their memory, they appeare so decayed, aged and uncomely, as if the Chaos were returned againe, and the fabricke of our *English* world shaken into a rude and undigested masse of confusion.

And not without reason, when that all illustrating Sunne of your Majesties Royall presence hath, as it were, suffered a long and hideous eclipse, been obvolv'd and surrounded with cloudes and darknesse, in respect of the diminution of that light of obedience which was refulgent in the bosomes of all your Subjects, darkned are the beames too of your Royall countenance in regard of the absence of your deare Consort the Queen her Majesty, who hath blessed your Majesty with so many faire and hopefull pledges of your loves; so many sweet and gracious Princes of both sexes, that they doe as those in the Psalmist, sit like Olive branches round about your table; darkned they are also in regard of the still increasing and over-flowing troubles and distractions that so riot in your Majesties Dominions, a streame of blood which hath issued from the bodies of your wounded and slaughtered Subjects, like a purple cloud, shadowing the accustomed rayes that used so cheerfully to issue out from your Majesties eyes, which now seeme all to be transformed into the very Ideas of pensivenesse and sadnesse; so that we may with much grieve of heart say of your Grace, *O quantum mutatus ab illo*; How much are you altered from that King you were, when you used before these civill warres to grace our Universitie with your Royall presence, when nought was heard in our Colledges, Halls and Houses, nay, in this whole City, but the voyce of joy and gladnesse; but now, *non eadem est ætas*, the gallant and learned Orations made here in entertainment of your Majestie, are now reduced to this poore unworthy Speech of mine; the meanest of your Highnesse Subjects, instead of those pregnant issues of wit and fancie which the nimble brains of our Poets have invented to fill the Scene of your welcome hither. Nothing is heard here at this great Festivall of our Redeemers nativity, but the tongue of mourning, the Universitie being a very theatre of silence, though we must confesse our selves more obliged to the bounty of the Almighty then any Citie in your Majesties Kingdomes, in that he hath blessed us thus long with being esteemed worthy to injoy your Majesties presence; and so that never forgotten benefit hath a little revived and refreshed our drooping soules; yet the sense of our neighbours sufferings comes like the ill *Genii* into our imaginations to affright them with the horror of their ghostly and hideous countenances; *Non nobis solum nati sumus*, wee were not worthy the Religion wee professe, if wee should not have a fellow-feeling of the afflictions of our Country and its inhabitants, who groane as the *Israelites* did under the *Egyptians*, under the oppressive weight of their burthens, so insupportable, that they would cracke the shoulders of another *Atlas* to sustaine them; their burthens which comprehend the contracted weight of all miseries incident to mortality; since all of them are characterized in this civill warre. This civill warre that hath robbed the Kingdome of the ancient tranquillitie, the Church of its so despised ornaments, the Subjects of their estates quite, nay, lives, and many of them undone past all reparation or recovery
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by these military tumults, your sacred Majestie will be pleased to afford mee an indulgent pardon for my expatiating so much on this point of the Subjects calamity, it is not that I dare be so disloyall, to believe any fault of it rests in your Majesty, but out of the tender compassion and hearty consideration of their afflictions, which we all hope your Majesties paternall and pious care will in good time rectifie, for this particular City, but especially for the body of this University, which this yeere is under my government, unworthy as I am of that charge, had not your Majesties comfortable and all-quickning fight removed away the clouds that shadowed us; certainly ere this darknesse had encompassed us round about: here would have been no need of a Vice-chancelour, when there would have been no Students to governe; no need of Schooles, when there would have been none to have been taught in them. No Science Liberall practised in the Colledges, whence all the Practisers were fled for feare of persecution, of being plundered of their substances; nay, deprived (as it was probable enough) of their lives, for being loyally affected to Your Most Excellent Majestie.

In that great defection of the Israelites from the Tribe of *Judah* and Family of *David*, the Tribe of *Levi* stuck close to their rightfull King, so hath it in *England* to your Highnesse, in all these domestick broyles, not one of the Clergie (but some of factious spirits) deserting your cause: The two Universities, this and that of *Cambridge*, declaring themselves in your Majesties behalfe; and surely wee in *Oxford* had been justly branded with the title of ingratitude, if we should have relinquished your Grace, who have formerly, and at this present time, heaped upon us so many evident testimonies of your Royall Benigntie to us, and your deare affection to the advancement of good literature, which as I before related, was here reduced to the last gasp, labouring as it were for life, till your Goodnesse, by transferring your Person and Prefence hither, making this your winter residence, infus'd new life into the languishing Academy. The Fellows of Houses now returne to their chambers, secur'd by your Majestie from any feare of dangers. The young Students, that for their safeties were retired home to their fathers houses, haste back to the Colledges, proud that they shall have the happinesse to reside where they may see the light and favour of your Royall Countenance; So that (thanks be to God and your Majestie) decayed learning begins here againe to respire and reflowerish.

The *Romans* in a noble gratitude to that great *Camillus*, who rescued them from the tyranny and ruine of the *Gauls* under the conduct of *Brennus* brought upon them, would needs have conferr'd upon him the title of the second *Romulus*, the Founder of the Citie, and allowed him equall honour with him. The same must wee, inspir'd with no lesse a gratefulnesse, tender to your Majestie, you are our second *Alured*, the second Founder of our Universitie; and if to save when lost, in some opinion, was as great an action of the Almighty, as to create man-kind out of nothing; Surely our reason must enforce us to acknowledge our selves as much indebted to your Highnesse, for our preservation and restitution, as to *Alured* for our foundation and institution. And so with the generall votes of the whole Universitie, this new yeere

yeere I present your Majestie in their names, with these wishes; Grace and Peace this yeare be multiplyed upon Your Selfe, your absent Queene, and Royall Progenie. May the dew fall upon you all, and the blessings of *Iacob* be in your inheritance. May all these tumultuous and civill distractions end with the beginning of this yeere, and the rest of it be spent in imbalming and curing the many wounds of our *English Israel*. And to conclude, may Heavens best bountie be showered downe on you, its mightie and out-stretched Arme protect you. And as an humble and zealous testimony of the Universities desires to serve Your Sacred Majestie in their names, and as the best expression, they for the present can make of their loyaltie, I here beseech Your Highnesse, to accept this widdows mite, cast as this New Yeares Oblation into Your Treasurie, this Cup with two hundred pounds in gold, which is contained within it. 'Tis all, Royall Sir, our Universities decay'd debilitie hath to render as offering to Your Gracious Hands; our wishes desire it were an unexhaustible *Indies*: And so wee hope the intention of the gift will make us win favour in Your Eyes, so that Your Majestie will vouchsafe to accept it as graciously, as we present it humbly.

The Fore-Runner of REVENGE, being a Petition to the KINGS most Excellent Majesty: Wherein is expressed divers actions of the late Earle of BUCKINGHAM; especially concerning the death of King *JAMES*, and the Marquess HAMMELTON, supposed by poyson. Also may be observed the inconveniences befalling a State where the Noble disposition of the Prince is mis-led by a Favourite,

To the most Potent Monarch *CHARLES*, King of great
BRITAIN E.

The humble Petition of George Eglisham Doctor of Physicke, lately one of King James his Physitians for his Majesties person above the space of ten yeares,

S I R,

NO better motive there is for a safe government, then the safe meditation of death, (equalling Kings with Beggars) and the exact justice of God requiring of them, that the good suffering misery in this life, should receive joy in the other; and the wicked flourishing securely in this, might be punished in the other. That which pleaseth, lasteth but a moment; which tormenteth, is everlasting. Many things wee see unrewarded or unpunished in this inferior world, which in the universall

weight of Gods justice, must bee counterpoised elsewhere. But wilfull and secret murther hath seldome been observed to escape undiscovered or unpunished even in this life, such a particular and notable revenge perpetually followeth it, to the end that they who are either Atheists or Matchiavelists, may not trust too much to their wits in doing so horrible injustice; would to God your Majesty would well consider what I have often said to my Master, King *James*, the greatest policie is honesty; and howsoever any man seeme to himselfe wise in compassing his desires by trickes, yet in the end he will prove a foole; for falshood ever deceiveth her owne master at length, as the Divell (author of all falshood) alwayes doth, leaving his adherents desolate when they have the greatest need of his help; No falshood without injustice, no injustice without falshood, albeit it were in the person of a King.

There is no Judge in the world more tied to do justice then a King, whose coronation tieth him unto it by solemne oath, which if he violate, he is false and perjured.

It is justice that maketh Kings, justice that maintains Kings, and injustice that brings Kings and Kingdomes to destruction, to fall into misery, to die like Asses in ditches, or a more beastly death, eternall infamy after death, as all histories from time to time do clearly manifest.

What need hath mankind of Kings but for justice? Men are not borne for them, but they for men: what greater, what more royall occasion in the world could bee offered to your Majesty to shew your impartiall disposition in matters of justice at the first entry of your reigne, then this which I offer in my just complaint against *Buckingham*, by whom your Majesty suffereth your self so far to be led that your best subjects are in doubt whether he is your King or you his. If your Majesty know and consider how he hath tyrannized over his Lord and Master K. *James*, (the worldly creator of his fortunes) how insolent, how ingrate an oppressor, what a murtherer and traitor he hath proved himselfe towards him, how treacherous to his upholding friends, the Marquess of *Hamelton*, and others, your Majesty may think (giving way to the Lawes demanded against him) to yeeld a most glorious field for your Majesty to walk in, and display the banner of your royall vertues.

Your Majesty may perhaps demand, what interest I have therein, what have I to doe therewith, that I should stir, all others being quiet? Sir, the quietnes or stirring of others expecteth only a beginning from me, whom they know so much obliged to stirre, as none can bee more, both in respect of knowledge of passages, and in regard of humane obligation, and of my independency from the accused, or any other that has power or credit can reach unto, many know not what I know therein, others are little or nothing beholding to the dead; others albeit know it as well as I; and are obliged as deep as I; yet dare not complain so safely as I, being out of their reach, who are inseparable from him by his inchantments, and all to obscure my selfe, untill the power of just revenge upon him be obtained from God.

What I know sufficient against him, I have set down in my petition against him to the Parliament; to which if your Majesty dismiss him, sequestred from your Majesty chiefly in an accusation of treason you shall doe
what

what is just, and deliver your selfe and your Kingdome from the captivity in which he holdeth them, and your Majesty oppressed. How easily I may eclipse my selfe from his power to doe me harme, unless he hath legions of infernall spirits at his command to pursue me, your Majesty may well know, I being *ultra mare* to these dominions where he ruleth and rageth.

How far I am obliged to complain more then others, I will in few words expresse, that neither your Majesty nor any man may thinke otherwise, but that I have most just reason not to be silent in a wrong so intollerable, the interest of blood which I have to any of them, of whose death I complain either by the house of *Balgony Lunday* or *Silverton-Hill*, albeit it is easie to be made manifest and sufficient to move me, yet it is not the sole motive of my breach of silence, but the interest of received courtesie, and the heap of infallible tokens of true affection, is more then sufficient to stirr me thereto, unlesse I would prove the most ingrate in the world, and senseles of the greatest injuries that can be done unto my selfe; for who killed King *James*, and Marquess *Hamelton*, in that part of the injury which is done unto me therein, he hath done as much as robbed me of my life, and all my fortunes and friends.

With such constant and loving impressions of me as are neither to be recovered nor duly valued: for his Majesty from the third year of my age, did practise honorable tokens of singular favour towards me, daily augmented them in word, in writ, in deed, accompanied them with gifts, patents, offices, recommendations both in privat and publicke, at home and abroad graced so far that I could scarce aske any thing, but I could have obtained it.

How much honor he hath done unto me there needs no witnes unto your Majesty, who is sufficient for many; no less is my L. Marq. *Hameltons* friendship established by mutual obligation of most acceptable offices continued by our ancestors these three generations, ingraven in the tender minds and yeares of the Marquess and me in the presence of our Sovereigne King *James*. For when the Marquess his Father, who with the right hand on his head and the left on mine, did offer us (young in years so joyned) to kiss his Majesties hand, recommending me to his Majesties favour, said I take God to witnes, that this young mans father was the best friend that ever I had, or shall have in this world. Whereupon the young Lord resolved to put trust in mee and I fully to addict my selfe to him to deserve of him as much commendations as my father did of his father.

This Royall celebration of our friends rooted it selfe so deep in my minde, that to my selfe I purposed this remembrance, giving it to my young Lord, and to my familiar friends, and set it upon the bookes of my study, *Semper Hameltonium, &c.*

*Alwayes the King and Hamelton,
Within thy breast conserve,
What ever be thy actions,
Let Princes two deserve.*

Neither was it in vain, for both our loves increased with our age, the Marques promising to engage his life and whole estate for mee, if need were, and so share his fortunes with me; and not onely promising, but also performing when ever there was occasion; yea for my sake offering to hazard his life in combat, whose minde in wishing me well, whose tongue in honouring of mee, and whose hands and means in defending me (both absent and present, unto the last period of his life) hath ever assisted me.

I should be more tedious then were fit, if I should rehearse every particular favour so manifestly knowne to the whole Court, and to the friends of us both; who then can justly blame me demanding justice as well for the slaughter of the Marquesse of *Hamelton*, as of my most gracious Sovereigne King *James*, seeking I know whom to accuse? My profession of Physicke, nor my education to letters, cannot serve to hinder me from undertaking the hardest enterprize that ever any *Roman* undertooke, so farre as the Law of conscience will give way.

*Why should I stay at the decay
Of Hameltons the hope,
Why should I see thy foe so free,
Vnto this joy give scope?
Rather I pray a dolefull day
Set me in cruell fate:
Then thy death strange without revenge,
Or him in safe estate.
This soule to heaven, and to the dead I vow,
No fraudfull minde, nor trembling hand I have:
If pen it shun, the sword revenge shall follow.
Soule, Pen and Sword, what thing but just doe crave.*

What affection I bore to the living, the same shall accompany the dead: for when one, (whose truth and sincerity was well knowne unto me) told me that it was better that the chiefeft of my friends, the Marquesse of *Hamelton*, to be quiet at home in *Scotland*, then eminent in Court of *England*; to whom by the opinion of the wiser sort, his being at Court will cost him no lesse then his life, with that I stretching forth mine arme (apprehending some plots laid against him) answered, if no man dare to revenge his death, I vow to God this hand of mine shall revenge it, scarcely any other cause to bee found, then the bond of our close friendship, why in the scrowle of Noble mens names who were to be killed, I should be set downe next to the Marques of *Hamelton* and under these words, viz. (*the Marquesse and Doctor Eglisham to embalme him*) to wit, to the end that no discoverer or revenger should be left; this roll of names, I know not by what destiny, was found neere to *Westminster*, about the time of the Duke of *Richmond* his death, and brought to the Lord Marquesse by his cozen the daughter of the Lord *Oldbarre*, one of the privy Councell of *Scotland*, did cause no terrour in me untill I did see the Marquesse poysoned, and remembred that the rest therein noted, were dead, and my selfe next pointed at only surviving; why stay I any more, the cause requireth no more the pen but the sword?

I doe

I doe not write so boldly, because I am amongst the Dukes enemies, but I have retired my selfe to his enemies, because I was resolved to write and doe earnestly against him as may very well appeare: for since the Marquesse of *Hameltons* death, the most noble Marquesse *de Fiatta*, Embassador for the most Christian King of *France*, and also *Buckingham* his mother sent on every side to seek me, inviting me to them, but I did forsake them, knowing certainly the falshood of *Buckingham* would suffer the Embassador rather to receive an affront then to be unsatisfied of his blood-thirsty desire of my blood, to silence mee with death (for according to the proverb, *The dead cannot bite*) if he could have found me: for my Lord *Duke of Lenox*, who was often crossed by *Buckingham*, with his brother and the Earle of *Southampton* now dead, was one of the roll found of those that were to be murdered well assured me, that where *Buckingham* once misliked, no apologie, no submission, no reconciliation could keep him from doing mischief.

Neither do I write this in this fashion so freely for any entertainment here present, which I have not, nor for any future which I have no ground to look for, seeing *Buckingham* hath so much mislead your Majesty that he hath caused not only here, but also in all nations, all *Britain* Natives to be disgraced and mistrusted, your Majesties most royall word, which should be inviolable, your hand and seal which should be infringeable, to be most shamefully violated, and your selfe to be most ingrate for your kind usage in *Spain*, which *Buckingham* maketh to bee requited with injuries in a most base manner; under protestation of friendship, a bloody war being kindled on both sides, whereby he hath buried with King *James*, the glorious name of *Peace-making King*, who had done much more justly and advisedly if hee had procured peace unto Christendome, whereby small hope I have of obtaining justice on my most just complaint unto which my deare affection unto my deare friends murdered and extream detestation of *Buckingham* his violent proceedings hath brought me. Your Majesty may finde most just causes to accuse him in my Petition to the Parliament, which shall serve for a touch-stone to your Majesty and a whetstone to me and many other *Scotchmen*; and which if it be neglected, will make your Majesty to incur a censure amongst all vertuous men in the world, that your Majesty will be loath to heare of, and I am astonished to expresse at this time,

A Serpent lurketh in the grasse.

No other way there is to be found to save your honour, but to give way to justice against that traytor *Buckingham*, by whom manifest danger approacheth to your Majesty, no otherwise then death approached to King *James*.

If your Majesty will therefore take any course therein, the examination upon oath of all those that were about the King and the Marquess of *Hamelton* in their sicknesse, or at their deaths, or after their deaths, before indifferent Judges (no dependants on *Buckingham*) will serve for sufficient prooffe of *Buckingham* his guiltinesse. In the mean time, untill I see what will be the issue of my complaint, without any more speech, I rest,

Your Majesties daily Suppliant,
George Eglisham.
The

The Earle of *DORSET* his SPEECH for PROPOSITIONS of PEACE, delivered to His MAJESTY at OXFORD, on January 18. concerning the Warre now in *ENGLAND*.

Most gracious Sovereigne:

I Am not altogether unsensible of this businesse, wherein I am now called to give my advice, I know I shall suffer some disadvantage, being an *Englishman* by Nation and Education, and the best blood that runs in my veines I have extracted thence, besides, my fortunes have their scituation within these confines. What I shall now speak, is not meere-ly *ex animo, sed ex corde*: some may haply impute it as proceeding from strength of affection to that place and people from whence I came; but I doe protest, my zeale to your Majesty shall at this time suspend the Agitation of such principals, and I will set aside all particular relations, and looke upon the question as it is, and not as passion and affection may set forth.

The question is concerning Wars, an unknown subject, sweet to those that have not tryed it, yet the worst of war is usuall in the close: And if the conclusion of the most advantageous war that ever was waged, when all reckonings bee cast up, the Conquerour hath had little whereof to glory. But this is not a warre betweene a King and a stranger, but between a Sovereigne and his Subjects, a neare relation, and they had need to be weighty motives that shall dissolve this knot; subjects are easily lost, we see the worke is every day, but once lost, are hardly regained. Affections are like to crytall glasses, which broken, are hardly set together againe.

But these are not subjects, as the kingly Prophet speaketh of, *A people that I know not are subject unto mee*; but your Majesty may say of them, as *Adam* of *Eve*, that was found out of his rib, *Flesh of my flesh, and bone of my bone*; or rather as *David* of his subjects in the day of his Inauguration, *For my brethren and companions sake*; for your Majesty being theirs, and they yours by a double tye, you are not only *Rex factus*, but *Rex natus*: And therefore the union being so straight, the motive had need be weighty, that shall cause a man to set his owne house a fire, and to destroy the worke of his owne hands.

Now let us consider two things: first, the necessity of Warre, secondly, the motives unto it, whether they be *Tanti*, and of such moment, that a King should hazard the uncertaine chance of warre, and the miseries that accompany it, rather then to forgo the same.

For the first, it is a good note of *Tacitus*, that *Bellona* should be *ultimum refugium*, because it is the worst refuge. And if we consider the wisest Kings that ever ware Scepter in the latter times, how willing they were to deliver the stroake of warre almost upon any termes.

If your Majesty consider but the practise of King *Lewis* the eleventh, and *Henry* the seventh, which of *England* and *France* in the large List and Catalogue of all their Kings, cannot point forth two of more deepe and profound judgement

judgement, and better versed in the mystery of Government; yet what meanes they use (or rather did use) to divert the course, if at any time it did come within their Channell; they counted it no dishonour to yeeld to their Subjects demands, though sometimes unjust and unreasonable, nay, themselves to bee the first seekers, and propounders of Peace. And so by this meanes, when the storme was over, and things come to be debated upon the great Corpit, they were masters of their own ends, and their subjects affections, and so obtained the victory without striking a stroke.

These wise Kings considered the end of war was uncertaine, and the event various, and he that committeth one Errour in the warre, especially when the seat of it is in his owne Kingdome, seldome has time to commit a second: wee need not to goe far for instances, *Richard* the second, and *Edward* the second will be fresh presidents for any that shall endeavour to buy the experience hereof upon such deare termes as they did. It should be in the body Politique, as it is in the body naturall. Phlebotomies should never be used, but when the humours are so predominant, that no other course will remove them, and that unlesse they be expelled, they will occasion desolation.

But blessed be God there is no such necessity in the case, there are some rough humours in the body Politique, it cannot be denied, and some it may bee that worke obstruction in some of the lesser pipes of government, but when your *Vena Basilica*, and *Vena Cava*, are full of the royall spirits in them, have their proper influence and motion without any opposition; What is now to be done by force is not fit for every subject, some humours are to be expelled by *lena fines*, when all purgations make them malignant. There are three means to be used that have not been tryed, any of which are better then the means prescribed. The first removes the occasion; this can bee no impeachment to the Scepter, the wisest Kings have had their oversight in government, which a wiser day have taught them to recall.

Your Father reigned gloriously, and commanded the affections as wel as the body of the *English*, yet he never sought the obtruding of *minimus infimis*, and yet none more zealous of a Kingly Government then he: it is an act of the extreamest folly to hazard the substance for a shadow, not worthy to be contended for: And if your Majesty were Master of your own desires, it would not adde one cubit to your stature.

Secondly, if this like not, let time work it forth, and by this meanes swallow up the hooke or Induxor, the proposall of it left, recreets distastefull things, works most at first, least afterwards; by degrees your Majesty may work them to that (which for the present) they wil rather dye then embrace: We see how by degrees the *Romans* brought a Royall slavery upon the world, which, if they had at first propounded upon down-right terms, had hardly been accomplished: If ever *Norman William* by degrees brought the *English* to weare the yoke, which, if he had at the first tendred, he either must have missed his ayme, or *Norman* no people to employ; so impatient then were the *English* Nation to heare of a Conqueror, and we see it is sometimes costly.

What if your Majesty should seem to yeeld to the demands of the *English* now, and give the advantage of a faire game, cannot your Majesty remove
the

the objects by degrees, turne the humours some other way for a more seasonable opportunity, to scrue in things by instruments more fit and lesse subject to exception; the proposall of the course I hold more certain, more safe, more secure, which knowes no law, but devoures all the other. And I hold that Kingdome most miserable which is forced to make use of a remedy worfe then the disease.

Thus much for the first, there is no necessity of Warre, *Rebus sic stantibus*.

Secondly, these things in agitation are not *Tanti*, of such consequence as should require such a desperate adventure, as to hazard a kingdom at a cast. *Plutarch* wisely compared those that know onely to propose the means to such as fish with a golden hooke, the losse of which hooke is of more consequence then the fish they can take; truly to speake plainly what I think, they that advise war in this case, know not what it is to get, nor greatly care for the losse of a Kingdom, so they may play their own games, and fish in troubled waters; such counsellours as these were the Bishops of *Rosse* to the late Queene of *Scots*, and the Bishop of *Brookes* to that miserable King of *Hungary*, who was the cause and occasion to bring the *Turke* into *Hungary*, and the *French* into *Scotland*, both which Nations have cause to wish that they never knew the way thither againe.

Three Reasons have been given to perswade to war, I will not now Answer, but leave to him that is better able, and instructed to such a purpose; whereof considering *nulla salus Bello, nulla necessitas Belli*.

My Advice to your Majesty is not to use warre, but when the end of it is a certaine or probable peace, and when there is no way left but that only to obtaine it.

A DECLARATION concerning the generall ACCOMPTS of the KINGDOME. With the true State of all Receipts and Disbursements of Moneys both by Land and Sea, for the Use of the COMMON-WEALTH: Since the first sitting of this PARLIAMENT unto the first of JUNE, 1642. Published by Order of the Honourable House of COMMONS, assembled in PARLIAMENT, for the satisfaction of all his Majesties loving Subjects.

Die Jovis 5^{to} Junii, 1642.

IT is this day Ordered by the Commons assembled in Parliament, That the generall State of the Accompts of the Kingdom, and likewise the Accompts concerning the Navy, this day presented to the said Commons by Mr. *Trenchard* and Mr. *Green*, be forthwith printed by such person as shall be

be thereunto appointed by the said Mr. *Trenchard* and Mr. *Green*, unto whom the care of printing the said Accompts is solely referred; And that no other shall presume to reprint any Copies of the same, but they whom the said Mr. *Trenchard* and Mr. *Green* shall appoint.

Hen. Elsyng Cler. Parl. Dom. Com.

Wee doe appoint *Laurence Blaiklock* to print these Accompts, according unto the Order abovesaid.

*Iohn Trenchard,
Giles Greene.*

A Declaration of the Honourable House of Commons, concerning the Accompts of the Kingdom.

TH E Commons assembled in Parliament, taking into their consideration, that the *Malignant Party* of this Kingdom, the causes of all these disturbances in the Common-Wealth, which have enforced the Parliament to raise great and vaste sums upon the Subjects; have likewise beene the Authors of many false aspersions, as if those summes had exceeded the necessity, or were diverted from publike services to the advantage of particular persons; and being thereof very sensible, have thought fit for the satisfaction of all his Majesties Subjects, and removall of such unjust scandals, to publish an accompt of all summes received and disbursed by their Order from the beginning of this Parliament, untill the first of *June*, 1642. that so their own integritie may be cleared, and the people admonished not to give credit to those, who being prevented in their wicked designs of destroying the Parliament by force, do now labour by impudent falsehoods and calumnies, to deprive it of the confidence of those whom they represent, without which, all their paines will be unserviceable to the publike, and uncomfortable to themselves.

Before the sitting of this Parliament, the mischievous Councils then prevailing, had caused two Armies of *England* and *Scotland*, to bee brought very neere together, in the bowels of the Kingdom; when for the prevention of blood, and other mischiefes of Warre, it was agreed by the Treaty of *Rippon*, that the summe of twenty five thousand pound a Moneth, should be paid to the *Scottish* Army, which before it could be disbanded, put the Kingdom to the charge of two hundred seventy foure thousand two hundred and fifty pounds.

It was likewise conceived, That the Kings Army could not with honour bee discharged before the removall of the *Scots*; for payment of which, his Majesty was engaged by severall establishments under his Royall Signature, and the hands of the Privie Councill. The consideration whereof moved the Parliament, out of a tender regard of his Majesties honour, and for the better securing the peace of the Kingdom, to undertake the payment of that Army, and of the Garisons of *Carlile* and *Barwick*: The charge whereof was about fifty thousand pound a Month, which from the tenth of *November*

1640. untill the time of disbanding in *August* and *September* following, amounted to the sum of foure hundred ninety one thousand two hundred pounds; as may easily be collected out of these accompts.

Besides the Monthely payments before mentioned, continued to the *Scots* for above tenne Moneths; The losses and charges which his Majesties loving Subjects of that Nation, had sustained by occasion of these grievances and oppressions, which moved them to come into this Kingdom, were presented to the consideration of this Parliament, and by their estimate, did amount to above seven hundred thousand pounds, a summe too great for that Kingdom to beare; which caused the Parliament for their ease and and reliefe, to afford them a brotherly assistance, of three hundred thousand pound, to be satisfied at three payments (*viz.*) At disbanding eighty thousand pound; At *Midsummer* 1642, one hundred and tenne thousand pound; And at *Midsummer* 1643: one hundred and tenne thousand pound.

These great burthens amounting to a full Million and sixty five thousand foure hundred fifty pound over, as they were caused by the *Malignant Party*, so ought in justice to be satisfied by them: Towards the affecting whereof divers proceedings were commenced in a Parliamentary way against severall Delinquents, in favour of whom, and to prevent the just benefit which the Common-Wealth might have had by those proceedings, many diversions and obstructions have been interposed, and severall Plots and Designes against the Parliament have been contrived. And whiles the Parliament was conflicting with these great necessities and interruptions, and in a good forwardnesse to prevaile against both, The Rebellion in *Ireland* brake out, for the speedy suppression whereof the Parliament forthwith provided fifty thousand pound, and afterwards when the Rebellion increast to that strength and confidence, that the whole Kingdom was infested with it, and all the Irish Papists actually in Armes against this Crown for the rooting out of the Protestant Religion and the English Plantation, in defence and maintenance thereof, they were enforced to raise severall Armies, consisting in all, of above fourty thousand foot, and three thousand foure hundred horse, which are already in *Ireland*, except five thousand foot and five hundred horse to bee raised and maintained at the charge of the Adventurers, which have long beene delayed for want of his Majesties Commission, which cannot yet bee obtained, although both Houses of Parliament have often most earnestly desired the same.

The expences in raising these Armies, and supplying them with victuals and other necessaries, amount to one hundred eighty one thousand eight hundred forty five pound three shillings foure pence, disbursed before the first of *June*, 1642. to which are to be added divers payments since, and the Arrears to the souldiers still remaining due, both which wil make a great summe; besides the future growing charge of maintaining all these Forces, which will come to about eighty thousand pound a Month.

To these Land Forces, we have been compelled to adde a great Fleet at Sea for the defending this Kingdom, and preventing supplies of men and munition to be brought to the Rebels in *Ireland*, for which service are employed upon the Coast of *England* and *Ireland* fifty two Saile of ships, the charge

charge of which ships and other necessaries, and for satisfaction of Arrears for his Majesties Navie, will appeare in the Accompt hereunto annexed to be three hundred twenty foure thousand foure hundred eighty pound nineteen shillings eightpence, besides fifteen saile of ships set out at the charge of the Adventurers.

Notwithstanding all these great burdens upon the Kingdom, his Majesty hath received towards the charge of his household, the maintenance of his Royall children, the Queen of *Bohemia* and her children, and other private uses, within the space of a year ended in *May* last, one hundred eighteen thousand two hundred ninty two pounds nine shillings eleven pence, out of the Tunnage and Poundage, and the Monethly assignments are still continued: The composition for Purveyance are paid towards the maintenance of his Majesties household, and some payments to the Forts, which should have been issued out of the Exchequer; Nothing hath been withdrawn from his Majesty of any just profit, or diverted from the publike occasion to the private benefit of any person, as hath been falsely reported, nor any concealed from the publike, but all the disbursements will clearly appear upon the Account: The particulars whereof, being very large, and not to be contained in lesse than twenty quires of paper, this House hath ordered to be forthwith brought in, and to remaine on Record in this House, where any that desire satisfaction, may view them.

And there is good cause to hope that those difficulties might be overcome, and Religion and peace settled in both Kingdomes without any greater burthens upon the Common-wealth, if the Subscription for Adventurers in *Ireland* be furthered in the Country, the summes collected or due by severall Acts may speedily be sent up, and the proceedings against Delinquents freed from those manifold obstructions wherby they have been hindred, that so the Fines to be justly imposed upon them, may be applyed to the ease and satisfaction of the Common-wealth, as in Iustice they ought to be.

But such is the dangerous and miserable condition of this Kingdom, by reason of the malicious and Iesuiticall faction, which have corrupted his Majesties Counsels, captivated his Person, seized upon his power, and not only withdrawn him from his Parliament, but provoked him to raise Armes against them; And by his countenance possessed themselves of Places of strength in this Kingdom (as they had done at *Hull* if they had not been prevented by the wisdom of the Parliament) and since have effected at *Newcastle* and *Tynmouth*, where Garisons are already placed and Fortifications begun; that the Parliament can have no breathing or freedom from these mischievous Plots and Designes ever multiplying and renewing against them; whereby the faire hopes of successe of the Irish Warre, all the good Lawes already obtained, and the hopefull endeavours and preparations made in this Parliament for the future safety and prosperitie of the Kingdom are-like to end in the destruction of Religion and the publike liberty, if the good Subjects doe not unanimously apply themselves to assist the Parliament, in redeeming his Majesties Person and government, out of the wicked hands and pernicious Counsels, of those who have conspired to abuse his Authority and power to the destruction of himself

and all his people; and which do daily produce effects so dangerous to the State, and burthensome to the Subjects, as neither the wisdom of the Parliament will long be able to resist, nor the Treasure of the Kingdom to defray.

The generall state of the accompts of the Kingdom, both of moneys borrowed, and otherwise received for the use of the Common-Wealth, from the beginning of this present Parliament, 3d Novemb. 1640. to the first of June. 1642.

R E C E I P T S.

	l.	s.	d.
<i>Moneys borrowed for the Affairs of England, viz. Of</i>			
The Aldermen and Citizens of London, as moneys by them lent in November, December, and January 1640. fifty thousand pound	050000	00	00
Sir Iohn Harrison Knight, for money by him lent, fifty thousand pound	050000	00	00
Master Isaack Penington Alderman, and others for money by them lent, nine thousand seven hundred pound	009700	00	00
The Inhabitants of the Wards in London for Moneys by them lent in February, March, April, 1640 and 1641. forty four thousand five hundred sixty seven pound, fifteen shillings foure pence	044567	15	04
Knights and Esquires of the Honorable House of Parliament, for money by them lent, nineteen thousand pound	019000	00	00
The Aldermen and Citizens of London lent in May, June, and July, 1641. ninety five thousand nine hundred pound	095900	00	00
Divers Knights and Esquires Members of the House of Parliament, for money lent to the Poll accompt in London, seventy six thousand three hundred sixty pound	076360	00	00
<i>The Summe, three hundred forty five thousand five hundred twenty seven pound fifteen shillings foure pence</i>	345527	15	04

Moneys

		<i>l.</i>	<i>s.</i>	<i>d.</i>
<i>Moneys borrowed for Ireland, viz. Of</i>	The Citizens of <i>London</i> , for suppressing the Rebels in <i>Ireland</i> , fourty nine thousand eight hundred twenty three pound	049823	00	00
	The Company of Merchant Adventurers in <i>London</i> , seventy thousand pound	070000	00	00
	The Adventures for <i>Ireland</i> for moneys borrowed upon that Accompt, thirty one thousand pound	031000	00	00
	The Members of the Honourable House of Commons upon a second Loane, fourteen thousand five hundred pound	014500	00	00
	Master <i>Henly</i> for money by him lent, five thousand pound	005000	00	00
	The Inhabitants of the County of <i>Buckingham</i> , by them lent to the accompt of Contributions for <i>Ireland</i> , six thousand pound	006000	00	00
	Divers others lent to the same accompt two thousand foure hundred pound	002400	00	00
	<i>The Sum, One hundred seventy eight thousand seven hundred twenty three pound</i>	178723	00	00

Money

A Second Collection of TRACTS.

		l.	s.	d.
Money received by way of Subsidie and otherwise, viz. Received of	The foure Subsidies first granted, two hundred sixteen thousand foure hundred fifty six pound twelve shillings eight pence	216456	12	08
	Two intire Subsidies due in <i>December</i> , 1641. eighty five thousand seven hundred eighteen pound foure shillings foure pence	085718	04	04
	The Poll-money paid to the Treasurers in <i>London</i> , one hundred seventy nine thousand one hundred and six pound, eleven shillings eight pence three farthings	179106	11	08 $\frac{3}{4}$
	The Poll-money paid to the Treasurers at <i>Westminster</i> , thirtie eight thousand five hundred seventy eight pound, thirteen shillings eight pence	038578	13	08
	The Poll-money paid to the Treasurers at <i>York</i> , thirty nine thousand three hundred seventy six pound, eleven shillings, seven pence	039376	11	07
	Delinquents (<i>viz.</i>) of the late Farmers of the Old and New Customs, one hundred sixty five thousand pound	165000	00	00
	The Treasurers upon the accompt of Contributions for <i>Ireland</i> , eighteen thousand eight hundred thirty eight pound thirteen shillings four pence	018838	13	04
The Sum is seven hundred forty three thousand seventy five pound seven shillings three pence three farthings		743075	07	03 $\frac{3}{4}$

Sum totall of all the Receipts, is One Million, two hundred sixty seven thousand three hundred twenty six pound, two shillings, seven pence, three farthings

1267326l. 2s. 7 $\frac{3}{4}$

The generall state of the accompts of the Kingdome of moneys disbursed for England, Scotland and Ireland, from the beginning of this present Parliament, 3d Novemb. 1640. to the first of June 1642.

DISBURSEMENTS.

		l.	s.	d.
Imprests to divers Treasurers and others for the Affaires of the Common Wealth and by them to be accounted for, viz.	TO the right Honourable the Earle of Warwick, and by him paid over to the Scots, as by his accompt appeareth, two hundred eighty six thousand three hundred sixty one pound, nineteen shillings foure pence	286361	19	04
	To Sir William Uvedall Knight, Treasurer at Warre, by him disbursed for the reliefe of his Majesties Army, and the Northern parts of the Kingdome, and for the Garrisons of Barwick and Carlile, as by the particular accompts thereof appeares, three hundred ninety six thousand eight hundred forty three pound	396843	00	00
	To Sir John Hotham Knight, for the Garison of Hull, six thousand pound	006000	00	00
	To Master Paylor for the Garison at Barwick, besides the money paid by Sir William Uvedall as by his accompts appeares, twenty nine thousand pound	029000	00	00
	To Master Walker for the Garison at Carlile, besides the money paid by Sir William Uvedall, as by his accompts appeares, ten thousand pound	010000	00	00
	To Colonell Goring for the Garison at Portsmouth three thousand pound	003000	00	00
	To divers Counties imprest for billeting money in the North, as by the accompts at York appeares, nine thousand five hundred pound	009500	00	00
	To Master Samuel Vassall for Freight of Ships and Corne for Ireland five hundred ninety pound	000590	00	00
	To Sir Adam Loftus Vice-Treasurer of Ireland, and Nicholas Loftus his Deputy, and divers others for leavying men and transporting them, and provision of Armes and Ammunition, and entertainment of the Lord Deputy, and pay of Souldiers, and other the occasions of Ireland charged upon his accompt, and to be by him accounted for, one hundred forty nine thousand			

A Second Collection of TRACTS.

land three hundred sixty eight pound ————	} 149368 00 00	l. s. d.
To Sir <i>John Smith</i> , one of the Scotch Commissioners for Ireland, twenty two thou- sand four hundred seventy seven pound, three shillings four pence ————	} 022477 03 04	
To Master <i>Davis</i> for victualls for Ireland, four thousand pound ————	} 4000 00 00	181845 03 04
To the Treasurer and Victual- lers of the Navie, five thou- sand pound ————	} 5000 00 00	
Sir <i>Tho. Staples</i> for Armes for London-Derry, a thousand pound ————	} 1000 00 00	
In all to be cleared by the Accompt of the Trea- sure of Ireland ————	}	

The totall summe nine hundred twenty three
thousand one hundred forty pound two
shillings eight pence ———— } 923140 02 08

Disburse-
ments by
warrant for
the service
of the Realm
viz.

Paid for transporting of the Queen Mother, and her occasions, ten thousand pound ————	} 10000 00 00	
Paid for interest of moneys borrowed, eleven thousand nine hundred ninety one pound, eleven Shillings and eleven pence ————	} 11991 11 11	
Paid to the Committee of both Houses ap- pointed to attend the King in Scotland, one thousand three hundred and fifty pound, and at York two hundred pound, and at Hull a hundred and three pound ten shillings, for their severall charges: in all one thousand six hundred fifty three pound ten shillings	} 01653 10 00	
To Sir <i>Nicholas Biron</i> for Horse and Arms de- livered to the Magazine at Carlisle, two hun- dred pound ————	} 00200 00 00	
To Owen O-conellis in reward for discovering the Irish Treason, five hundred pound ————	} 00500 00 00	
The charge of building a house for a Court of Guard, seventy one pound, fifteen shillings	} 00071 15 00	

The

The whole charge paid the trained Bands for guarding the Parliament from the 8th of November 1641 for 20 dayes only, the sum of one hundred twenty one pound ten shillings. Since which time the Parliament hath been guarded without charge to the Common-Wealth	00121 10 00
Freight of Ships from <i>Barwick</i> , beside two hundred twenty pound by Mr. <i>Vassall</i> , six hundred sixty one pound, ten shillings	00661 10 00
To divers persons employed in severall journeys into <i>Yorkshire</i> , <i>Newcastle</i> , <i>Edenborough</i> , <i>Hull</i> , and other places, for charges and paines in the same, two hundred seventy six pound, ten shillings	00276 10 00
Reward to divers persons for severall services, one hundred sixty four pound, fourteen shillings	00164 14 00
Charges for Clerks, and others attending the accompt of Poll money in <i>London</i> , eight hundred and four pound, sixteen shillings eight pence	00804 16 08
Charges of Clerks, and others attending the accompt of Poll money at <i>York</i> , one hundred seventy seven pound, thirteen shillings six pence	00177 13 06
Paid out of the Contribution moneyes to divers distressed persons that came out of <i>Ireland</i> ; and sent thither for reliefs, five thousand five hundred seventy four pound	05574 00 00

The totall summe, thirty two thousand one hundred ninety seven pound, eleven shillings and a penny 032197 11 01

Repaid of moneyes borrowed.	Repaid to the Citizens of <i>London</i> , and others in part of the moneyes borrowed and charged, per contra, three hundred six thousand eight hundred forty seven pound, fifteen shillings, fourepence	306847 15 04
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A Second Collection of TRACTS.

The totall sum of the disbursements, one million, two hundred sixty two thousand one hundred eighty five pound, nine shillings, and a penny ————

	l.	s.	d.
1262185	09	01	

Resting in
Cash.

In the hands of the Receivers the first of June, 1642. towards the further discharge of debts, five thousand one hundred forty pound, thirteen shillings, six pence, three farthings ————

0005140	13	06	$\frac{3}{4}$
---------	----	----	---------------

In all to Ballance this accompt, one million, two hundred sixty seven thousand three hundred twenty six pound, two shillings, seven pence, three farthings ————

1267326	02	07	$\frac{3}{4}$
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Debts and Ingagements, the first of June, 1642.

Debts.	{	TO divers Citizens of London parcell of ninety five thousand nine hundred pound by them lent in May, June, and July, 1641. for further reliefe of the Northern parts, seventeen thousand foure hundred pound ————	017400 00 00
		To divers persons parcell of seventy six thousand three hundred sixty pound lent and charged in the Poll account of London, twenty six thousand two hundred and foure score pound ————	026280 00 00
		To divers Citizens of London to suppress the Rebellion in Ireland, forty nine thousand eight hundred twenty three pound ————	049823 00 00
		To the Merchant Adventurers of London for money by them lent, seventy thousand pound ————	070000 00 00
		To the Adventurers for Ireland, for money lent out of that Account, thirty one thousand pound ————	031000 00 00
		To divers Members of the Honourable House of Parliament, for money by them lent for the affaires of Ireland, fourteen thousand five hundred pound ————	014500 00 00
		To the Inhabitants of the County of Buckingham, six thousand pound ————	006000 00 00
		To divers persons for moneys lent to the Account of the Contributions for Ireland, two thousand foure hundred pound ————	002400 00 00
		The Summe, two hundred seventeen thousand foure hundred and three pound ————	217403 00 00

Ingage:

Ingagements.

To the *Scottish* men for their brotherly assistance, besides twenty thousand pound payd them upon the *Irish* Account, and fourescore thousand pound already payd in part of three hundred thousand pound — two hundred thousand pound —

l. s. d.
200000 00 00

Claymed for Billet-money, not yet cleared by Accounts, eighty nine thousand foure hundred seventy five pound, thirteen shillings, and eleven pence —

089475 13 11

To the Officers of the *English* Army for pay, besides eleven thousand nine hundred twenty one pound, seven shillings, foure pence, demanded for waggon money, eleven thousand seven hundred sixty seven pound —

011767 00 00

To the Garrisons of *Barwick* and *Carlile*, three thousand two hundred ninety nine pounds fifteen shillings, ten pence, —

003299 15 10

To Mr. Speaker, six thousand pound —

060000 00 00

To the Companies of *London* for moneys by them lent before the Parliament began, and payd into the Kings Majesties Exchequer, upon the Lords Security, and interest for the same to the second of *April* 1642. fifty six thousand pound —

056000 00 00

The Summe, three hundred sixty six thousand five hundred forty two pounds, nine shillings and nine pence —

366542 09 09

The totall summe of the Debts and Ingagements, five hundred eighty three thousand nine hundred forty five pounds, nine shillings and nine pence —

583945 09 09

Besides the Arreares due to our Army in *Ireland*; Towards which

Moneys to be received, viz.

Money in Cash upon all Accounts, the first of *June* 1642. five thousand one hundred forty pound, thirteen shillings, six pence three farthings —

005140 13 6 $\frac{3}{4}$

To be received upon the Act made for foure hundred thousand pound —

400000 00 00

The Summe, four hundred five thousand one hundred forty pound, thirteen shillings, six pence three farthings —

405140 13 6 $\frac{3}{4}$

An Account of such Monies as have beene paid into the Receipt of His Majesties Exchequer, by the Collectors of the Customes sithence the 25. day of *May*, 1641. Collected upon the severall Bills of Tonnage and poundage, and since that time disbursed for the use of the Navie and towards the support of his MAJESTIE unto the ninth of *June* 1642.

Received out of the Collections of the Customes by the Officers of His Majesties receipt in the Exchequer, sithence the 25. of *May* 1641. As by their accounts appeareth the summ of Two hundred thirty eight thousand, two hundred eighty six pounds, two shillings and two pence

l. s. d.
238286 02 02

Which money hath beene paid, out as followeth.

Imprimis, paid to the Cofferer of his Majesties house-hold in part of the yearely Assignments, Tenne thousand, one hundred fortie six pounds, eightene shillings nine pence halfe peny	010146 18 09½
In monethly payments for the King, Queene and Princes house-hold, The Queene of <i>Bohemia</i> , and for repaire of his Majesties houses for thirteene moneths ended <i>ultimo Maii</i> 1642. Eightie five thousand, nine hundred and sixtie pounds, nineteen shillings eight pence	085960 19 08
To the Prince Elector Palatine, in part of his Pension, One thousand pound	001000 00 00
To the Marquesse <i>Hartford</i> for the Prince his Robes, and Privie purse, eight hundred pounds,	000800 00 00
To the Master of the great Wardrob in part of his Assignment, One Thousand seven hundred and fifty pounds	001750 00 00
To the Earle of <i>Holland</i> , in part of the Arreares for the entertainment of the Garrison at <i>Landguard</i> Fort, One thousand pound	001000 00 00
To the Band of Gentlemen Pentioners for their wages, and board wages for halfe a yeare Three thousand and one pound, fourteene shillings and two-pence half-peny.	003001 14 02½
To Sir <i>Arthur Hapton</i> Knight, Embassador in <i>Spaine</i> , upon his entertainment, Two thousand pounds	002000 00 00
To the Lord <i>Fielding</i> Embassador for <i>Venice</i> , upon his entertainment, One thousand, three hundred pounds	001300 00 00

To

A Second Collection of TRACTS.

149

To *Patricke Mawle* Esquire, upon his Pention, One hundred }
twenty five pounds } 000125 00 00

To the *East India* Company, in part of a debt owing to }
them by his Majestie for peper, bought by my Lord *Cot-* }
tington, Nine thousand four hundred and thirteen pounds } 009413 14 07
fourteen shillings and seven pence }

To severall persons for Pentions, &c. in small payments to }
his Majesties use, One thousand seven hundred ninetie } 001794 02 08
four pounds two shillings and eight pence }

The Totall of moneys paid to his Majesties private }
use, one hundred and eightene thousand two } 118292 09 11
hundred ninetie two pounds, nine shillings and }
eleven pence. }

More paid in part of the severall summes }
of money for the charge of His Majes- }
ties Navie as by the particulars *per cont.* } 119512 01 04
One hundred and nineteene thousand, }
five hundred and twelve pounds, one }
shilling four pence }

More paid towards the charge of the Navie }
per cont. out of Fines raised upon De- }
linquents, five thousand foure hundred } 005402 10 01
and two pounds tenne shillings and a }
penny }

More paid to the charge of the Navie }
which was borrowed of monies in the }
hands of the Chamberlain of *London*, } 005000 00 00
five thousand pound }

The Totall of monies paid to his Majesties private }
use, and to the Navie, Two hundred fortie eight } 248207 01 04
thousand, two hundred and seven pounds, one }
shilling and four pence }

By this account, It appeareth there is disbursed more than }
hath been received from the Collectors of the Customes, } 009920 19 02
nine thousand nine hundred and twentie ponde, nineteene }
shillings and two-pence }

An

An ACCOUNT of the Charge of severall Fleetes set forth by Order of PARLIAMENT, since MAY, *Anno* 1641. For the guarding of the Narrow Seas, and defence of this Kingdome, and of *IRELAND*; And likewise for the supply of Stores of all sorts for the provision of His Majesties Navie, and the office of Ordinance; And for the payment of the severall workmen and Labourers attending His Majesties service about the Navie in His Highnesse Yards of WOOLLEDGE, DEPTFORD, CHATHAM, and PORTSMOUTH.

Imprimis,

	<i>l.</i>	<i>s.</i>	<i>d.</i>
The charge for ten of the Kings Ships, and ten Merchant Ships imployed on the narrow Seas <i>pro Anno</i> 1641. Fiftie seven thousand five hundred nintie two pounds foure shillings sixe pence	0057592	04	6
The charge of the Ordinary of His Majesties Navie <i>pro Anno</i> 1640. Twentie seven thousand sixe hundred and ten pounds, three shillings nine pence, whereof is unpaid Sixteen thousand eight hundred and ten pounds, three shillings nine pence	0016810	03	9
The charge of the Ordinary of His Majesties Navie, <i>pro Anno</i> 1641. Twenty seven thousand one hundred twenty two pounds three shillings foure pence	0027122	03	4
The charge of 12 Ships for transporting of Armes and Souldiers for <i>Hull</i> , <i>Anno</i> 1640. three thousand two hundred pounds	0003200	00	0
The repaire, lanching and transporting the Prince to <i>Chatham</i> , <i>An.</i> 1641. Two thousand one hundred and fixtie pounds	0002160	00	0
For repaire of the Dockes and Wharfes at <i>Chatham</i> , <i>pro Anno</i> 1642. One thousand sixe hundred and twenty pounds	0001620	00	0
The charge of the Ordinary of His Majesties Navie, <i>pro Anno</i> 1642. to the Treasurer of the Navie, Twenty one thousand fifty sixe pounds, eleven shillings six pence	0021056	11	6
The charge for the Victualer of the Navie, for the Ordinary expences, 1642. Seaven thousand sixe hundred fiftie five pounds, seventeene shillings and nine pence	0007655	17	9
The charge for the Emptions of the Office of Ordinance <i>pro Anno</i> 1641. Two thousand fifty eight pounds, ten shillings foure pence	2058	10	04
For the Emptions of the said Office, <i>pro Anno</i> 1642. three thousand three hundred eighty five pounds, one shilling eight pence	3385	01	08
	0005443	12	0
	The		

The charge of foure of His Majesties Ships set forth 1642. employed for the Coast of <i>Ireland</i> for eight moneths, To the Treasurer of the Navie, Eight thousand nine hundred seventy nine pounds, sixteene shillings and eight pence —	l. s. d.
To the Victualler for victualling of the said shippes, Five thousand three hundred sixtie foure pounds, fifteene shillings eight pence —	0008979 16 8
The charge of setting forth fifteene of His Majesties Ships, for the Narrow Seas <i>Anno</i> 1642. for eight moneths, to the Treasurer of the Navie, Fortie eight thousand three hundred sixty eight pounds, ten shillings —	0005364 15 8
To the Victualler for victualling the said fifteene Ships, Twenty seaven thousand three hundred fifty nine pounds, sixteene shillings six pence —	0048368 10 0
The charge of twenty foure Merchant Ships set forth <i>An.</i> 1642. for eight moneths, viz. Three of <i>Bristol</i> , five of Master <i>Morrice Tompson</i> , and Partners and sixteene others of the City of <i>London</i> , Eighty one thousand seven hundred fifty eight pounds, eight shillings —	0027359 16 6
The charge of the eight Pynaces, (whereof three of His Majesties, and five Merchant Ships) set forth for the Coast of <i>Ireland</i> for Eight months, <i>Anno</i> 1642. seven thousand foure hundred eighty nine pounds —	0081758 08 0
The charge of setting forth two Friggots bought at <i>Dover</i> by Order of Parliament, for His Majesties use, Two thousand five hundred pounds —	0007489 00 0
	0002500 00 0

The Totall of the charge abovesaid, Three hundred twenty foure thousand foure hundred and eighty pounds, nineteene shillings eight pence

Whereof paid out of the Customes <i>per contra</i> , one hundred nineteene thousand five hundred and twelve pounds, one shilling and foure pence —	119512 01 04
More paid out of the Fines of Delinquents <i>per contra</i> , five thousand foure hundred and two pounds ten shillings and a pen- nie —	005402 10 01
More paid out of monies borrowed out of the Chamber of <i>London</i> , <i>per contra</i> , five thousand pounds —	00129914 11 5
	005000 00 00
There remaineth owing upon this account to discharge the abovesaid severall charges, 9 Junii 1642. One hundred ninetie foure thousand, five hundred sixtie sixe pounds, eight shillings and three pence —	0194566 08 3

A Renowned SPEECH Spoken to the Kings most Excellent Majesty, May, 28. at the last great Assembly of the Gentry and Commonalty of *Yorkshire*, by that most Judicious Gentleman Sir PHILLIP STAPLETON, One of the Commitees appointed by the Honourable House of Commons to attend his Majesties pleasure, and to give Information to the Members of the said House of all passages that concerne the good of the King and Kingdom. Wherein is declared the great uncertainty of his Majesties undertakings, the said undertakings not being seconded with the unite applause and joynt Assistance of the whole Kingdome. Likewise discribing the manifold and innumerable dangers that attend Civill discord, and home bred contention, shewing by Presidents of *Yorke* and *Lancaster*, what cruell effects such designs produce both to the King and Subject.

Most gracious Sovereign,

L Et not mee incurre your Maiesties displeasure, if I that am one of the poorest of the Subiects presume to speake some few words unto my Lord the King.

According to your Maiesties Command we the Gentry and Commonalty of *Yorkshire* are here met to know your Maiesties pleasure, and knowing to fulfill what we with Honour may performe, or with Loyalty execute, nor have we brought with us the least thought of such a feare since. 'Twere disloyalty in the highest Degree to think a Prince so gracious, (from whom we have received such large expressions of Royall Love, and Favour) should Command any thing not futable to Law and to our Consciences, farre be it from us to think it, onely let me take Lycence with your Royall favour to tell what some men mutter. As touching your Maiesties Demands to have a guard of Horse and Foote to wait upon your Maiesty.

First, that the malignant Party hath counselled your Maiesty to take this course, and under this pretence to gaine a power of Horse and foote which should be imployed against the Parliament.

We hope much better, nor can We give just credit to such vaine Reports, yet should We with our Persons and Estates purchase a ruine to our selves and Kingdome, it would be a sad reward for all our Service.

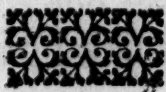
Oh my dread Lord,

Let but your serious Judgement call to mind what sad Disasters, home-bred strife doth breed in private Families, and if in them what mischief in a Kingdome,

Kingdome, a Kingdome that is divided into as many factions as there is Counties, the Church, the State, the Court, the City, and the County too full of dissention, let your Maiesty call into your mind the Hellish Plots the Papists, daily layd to ruine and destroy your Royall Father, could they hate him and yet love you so deare, believe it not my Lord, their flattering tongues and their dissembling Traines are inwardly all poyson; their Oyly Councels seeme to quench this Fire, but with that oyle they doe your fall conspire, cast back your Eye to *York* and *Lancaster*, how many Nobles lost their Noble Lives, how many Subiects paid their lives as Tribute to their then doubtfull King, how was this Kingdome wasted and destroyed, and in the end when warre did cease to frowne, he lost a Kingdome, to obtaine a Crowne.

Besides great King, admit a Guard were rais'd as is intended, (depending on your Royall Wisdome in the use of them) what could such Forces doe against the Kingdome, what can rawe Souldiers doe against those thousands of expert Souldiers, which have taken Oath to defend your Royall Maiesty and the high Court of Parliament, but if your Maiesty shall put your self in opposition, and raise Forces against your Loyall and obedient Subiects, they ought in Lawes of Nature, both humane and divine, for to defend and make resistance, and should this come to passe which (God forbid) Tillage and Trade must cease, Forraigne Commerce and Traffique must have end, and Hostillity must be the practice of this Kingdome, both to defend your Sacred Maiesty from your Domesticke Enemies, the Papists, (which but assembled by your gracious Licence would soone declare themselves your owne and Kingdomes greatest Enemies) and to secure the Kingdome from the Invasion of Forraigne Enemies, that dayly watch advantage to get a footing in this fruitfull Ile, and to suppress the Gospell, and it is greatly to be feared that by their Grand incendiaries heere, they are the chiefest Authors of these great distractions.

I feare I have displeas'd your Maiesty, if so I crave your gracious pardon 'tis my true Love and zealous Loyaltie to your Sacred Maiesty, and this my Native Kingdome, that makes me bold to presse your Maiesty, beside the interest and assurance I have of the fidelity of that great Counsell, whereof by the favour of my Country, I was chosen a member, which trust I will till death faithfully discharge both to your Sacred Maiestie, and this my Countrie.



A DECLARATION of the Grievances of the Kingdome,
delivered in Parliament, by *John Pym* ESQUIER, 1642.

The precedent
consideration
of grievances
will further
the supply.

NEver Parliament had greater busineses to dispatch, nor more difficulties to encounter; therefore wee have reason to take all advantages of order and addresse, and hereby wee shall not only doe our owne worke, but dispose and inable our selves for the better satisfaction of His Majesties desire of supply. The grievances being removed, our affections will carry us with speed and chearfulnesse, to give His Majestie that which may be sufficient both for his honour and support. Those that in first place shal endeavour to redresse the grievances, will be found not to hinder, but to be the furtherers of his Majesties service: hee that takes away weights, doth as much advantage motion, as he that addeth wings.

Great works
are first to be
considered in
the modell.

Diverse pieces of this maine work have bin already propounded, his endeavour should bee to present to the House a modell of the whole. In the Creation *God* made the world according to that *Idea* or form, which was eternally pre-existent in the divine mind. *Moses* was commanded to frame the Tabernacle after the patterne shewed him in the Mount. Those actions are seldome well perfected in the execution, which are not first well moulded in the designe and proposition.

A double me-
thod compound-
ed of grievan-
ces and cures.

Publike grie-
vances disad-
vantagious to
the King.

The first gene-
ral division.

He said, he would labour to contract those manifold affaires both of the Church and State, which did so earnestly require the wisdom and faithfulness of this House, into a double method of grievances and cures: and because there wanted not some who pretended, that these things wherewith the Common-Wealth is now grieved, are much for the advantage of the King, and that the redresse of them will be to His Majesties great disadvantage and losse (hee said) hee doubted not but to make it appeare, that in discovering the present great distempers and disorders, and procuring remedy for them, we should be no lesse serviceable to his Majestie, who hath summoned us to this great Councell, than usefull to those whom wee doe here represent: for the better effecting whereof, he propounded three maine branches of his discourse.

1. In the first (hee said) he would offer them the severall heads of some principall grievances, under which the Kingdome groaned.
2. In the second, he undertook to prove, that the disorders from whence those grievances issued, were as hurtfull to the King as to the people.
3. In the third, he would advise such a way of healing and removing those grievances, as might be equally effectual to maintaine the

the honour and greatnesse of the King, and to procure the prosperity and contentment of the people.

In the handling whereof he promised to use such expressions as ^{Sharp matters} might mitigate the sharpenes and bitternes of those things where- ^{to be mitigated} of he was to speak, so far as his duty and faithfulness would ^{in the expres-} allow. It is a great Prerogative to the King and a great honour ^{sion.} attributed to him in a Maxime of our Law, that he can doe no wrong, he is the fountaine of Iustice, and if there be any in- ^{The King can} justice in the execution of his Commands, the Law casts it upon ^{do no wrong.} the Ministers, and frees the King. Activity, life, and vigour, are conveyed into the sublunary creatures, by the influence of Heaven: but the malignity and distemper, the cause of so many Epidemicall diseases, to proceed from the noysome vapours of the earth, or some ill affected qualities of the aire, without any infection or alteration of those pure, celestiall and incorruptible bodies. In the like manner (hee said) the authority, the power and countenance of Princes may concur in the actions of evill men, without partaking in the injustice and obliquitie of them. These ^{Hurtfull pro-} matters whereof we complaine, have bin presented to his Majestie, ^{jects presented} either under the pretence of Royall Prerogatives, which he is ^{to the King} bound to maintaine, or of publike good, which is the most ho- ^{under plausible} nourable object of Regall wisdom. But the covetous and am- ^{notions.} bitious designs of others, have interposed betwixt his Royall intentions, and the happines of his people, making those things pernicious and hurtfull, which his Majestie apprehended as just, and profitable.

He said, the things which he was to propound, were of a va- ^{A promise of} rious nature, many of them such as required a very tender and ^{moderation,} exquisite consideration, In handling of which, as he would be bold to use the liberty of the place and relation wherein he stood, so hee would be carefull to expresse that Modestie and humilitie, which might be expected by those, of whose actions he was to speake. And if his judgment; or his tongue should slip into a particular mistake, he would not thinke it so great a shame, to ^{Submission to} faile by his owne weaknesse, as hee should esteem it an honour ^{reformation.} and advantage, to be corrected by the wisdom of that house, to which he submitted himselfe, with this protestation, that he desired no reformation so much as to reforme himselfe.

The greatest liberty of the kingdom, is Religion; thereby we are ^{Religion.} freed from spiritual evils: and no impositions are so grievous, as those that are laid upon the soul. The next great liberty, is Justice, where- ^{Justice.} by we are preserved from injury in our persons and estates, from this is derived into the Common-wealth, peace, and order, and safety, and when this is interrupted, confusion and danger are ready to overwhelm all. The third great liberty consists in the power and priviledge ^{Priviledge of} of Parliaments, this is the fountaine of law, the great Councell ^{of Parliament.}

The order propounded in handling these three great liberties.

the kingdom, the highest Court: this is inabled by the Legislative and Conciliary power, to prevent evils to come; by the Judiciary power, to suppress and remove evils present. If you consider these three great liberties in the order of dignitie, this last is inferiour to the other two, as meanes are inferiour to the end; but if you consider them in the order of necessity, and use, this may justly claime the first place, in our care, because the end cannot be obtained without the means: if we do not preserve this, we cannot long hope to enjoy either of the other. Therefore (he said) being to speak of those grievances which lye upon the kingdom, he would observe this order.

1. To mention those, which were against the priviledge of Parliaments.

2. Those which were prejudiciall to the Religion established in the Kingdome.

3. Those which did interrupt the justice of the Realme; in the liberty of our persons, and propriety of our estates.

The necessity and importance of the priviledge of Parliament.

The priviledges of Parliament were not given for the ornament or advantage of those, who are the members of Parliament, they have a reall use and efficacy, towards that which is the end of Parliaments: we are free from suits, that we may the more intirely addict our selves, to the publike services: we have therefore liberty of speech, that our Counsels may not bee corrupted with feare, or our judgments perverted with selfe respects: those three great faculties and functions of Parliament, the Legislative, Judiciary, and Conciliary power, cannot be well exercised without such priviledges as these. The wisdom of our Lawes, the faithfulness of our Counsels, the righteousness of our judgment can hardly be kept pure and untainted, if they proceed from distracted and restrained mindes.

It is a good Rule of the Morall Philosopher, *Et non ledas mentem gubernatricem omnium actionum*: These powers of Parliament are to the body politike as the rationall faculties of the soule, to a man. That which keeps all the parts of the Common-wealth in frame, and temper, ought to be most carefully preserved in that freedome, vigour, and activity, which belongs to it selfe. Our predecessors in this house, have ever bin most carefull in the first place, to settle and secure their priviledges; and (he said) he hoped that we having had greater breaches made upon us than heretofore, would bee no lesse tender of them, and forward in seeking reparation for that which is past, and prevention of the like for the time to come.

Particular branches of priviledge.
1 Restraint of speech.
2 Interdict of questions.

Then he propounded diverse particular points wherein the Priviledge of Parliament had bin broken.

First, in restraining the members of the House from speaking.

Secondly, in forbidding the Speaker to put any Question.

These

These two were practised the last day of the last Parliament (and, as was alledged, by his Majesties command) and both of them entrench upon the very life and being of Parliaments, for if such a restraining power as this should take root, and be admitted, it will be impossible for us to bring any resolution to perfection in such matters as shall displease those about the King.

Thirdly, by imprisoning diverse Members of the House for matters done in Parliament. Imprisonment of members.

Fourthly, by indictments, informations, and judgments in ordinary and inferiour courts, for speeches and proceedings in Parliaments. Judiciall proceedings.

Fifthly, the disgracefull order of the Kings Bench, whereby some members of this House were enjoined to put in security of the good behaviour, and for refusall thereof, they were continued in prison, diverse yeares, without any particular allegation against them: one of them was freed by death others not dismissed till his Majestie had declared his intention, to summon this Parliament. And this he noted not onely as a breach of priviledge, but as a violation of the common justice of the Kingdome. Order to be bound to the good behaviour

Sixthly by the sudden and abrupt dissolution of Parliaments, contrary to the Law and custome. It hath bin often declared in Parliaments, that the Parliament should not be dissolved, till the petitions bee answered, This (he said) was a great grievance, because it doth prevent the redresse of other grievances. It was a hard case, that a private man should bee put to death without being heard: As this representative body of the Commons, receives a being by the summons, so it receives a civill death by the dissolution. Is it not a much more heavie doome, by which we lose our being, and have this civill death inflicted on us, in displeasure, and not to be allowed time and liberty to answer for our selves? that we should not only dye, but have this marke of infamy laid upon us, to be made *Intestabiles*, disabled to make our wils, to dispose of our Busines, as this House hath alwayes used to do, before Adjournments or dissolutions? yet this, hath often bin our case, we have not bin permitted to powre out our last sighes and groanes, into the bosome of our deare Sovereigne; the words of dying men are full of piercing affections: if we might be heard to speak, no doubt we should so fully expresse our love, and faithfulness to our Prince, as might take off the false suggestions and aspersions of others: at least we should in our humble supplications, recommend some such things to him in the name of his people as would make for his honour, and the publike good of his Kingdome. Abrupt dissolutions of Parliament.

Thus he concluded the first sort of grievances, being such as were against the privilege of Parliament, and passed on to the next, Grievances concerning Religion. concerning Religion: all which he conveyed under the four heads.

1. The

Incouragement
of popery.

1. The first, was the great incouragement given to popery, of which he produced these particular evidences.

Suspension of
Lawes.

1. A suspension of all the Lawes against Papists, whereby they enjoy a free, and almost publike exercise of that Religion, and those good Statutes which were made for restraint of Idolatry, and superstition, are now a ground of security to them, in the practice of both, being used to no other end, but to get money into the Kings purse: which as it is clearely against the intentions of the Law, so it is full of mischief to the Kingdome.

By this meanes a dangerous partie is cherished, and increased, who are ready to close with any opportunitie of disturbing the peace and safety of the State. Yet (he said) he did not desire any new lawes against popery, or any rigorous courses in the execution of those already in force; he was far from seeking the ruine of their persons or estates, onely he wisht they might bee kept in such a condition, as should restraine them from doing hurt.

There can be
no security
from papists.

but
in their disa-
bility.

It may be objected, there are moderate and discreet men amongst them, men of estates, such as have an interest in the peace and prosperity of the Kingdome, as well as we. These (he said) were not to be considered according to their own disposition, but according to the nature of the body, whereof they are parties: The Planets have severall and particular motions of their owne, yet they are all rapt and transported into a contrary course, by the superior Orbe which comprehends them all. The Principles of Popery are such, as are incompatible with any other RELIGION: there may be a suspension of violence, for some by respects, but the ultimate end, even of that moderation, is, that they may with more advantage extirpate that which is opposite to them. Laws will not restraine them, oaths will not, the Pope can dispence with both these, and where there is occasion, his command wil act them, to the disturbance of the Realme, against their owne private disposition, yea, against their own reason and judgment to obey him, to whom they have (especially the Jesuiticall party) absolutely and entirely obliged themselves, not only in spirituall matters, but in temporall, as they are in order *ad Spiritualia*. H. the 3d. and H. the 4th. of *France*, were no Protestants themselves, yet were murdered, because they tolerated the Protestants, by which and many other presidents it appears, that the King, that the Kingdome can have no security but in their weaknesse and disabilitie to doe hurt.

Admission into
places of
power.

2. A 2d. incouragement is, their admission into places of power and trust in the Common-wealth, whereby they get many dependants and adherents, not only of their own, but even such as make profession to be protestants,

3. A third,

3. A third, their freedome of resorting to *London*, and the Court, whereby they have opportunity, not only of Communi-^{Free resort to London and the Court.}cating their Counsels, and designes one to another, but of diving into his Majesties Counsels, by the frequent accessse of those who are active men, amongst them, to the tables and company of great men, and under subtile pretences, and disguises, they want not meanes of cherishing their owne projects, and of indeavouring to mould and biasse the publike affaires to the great advantage of that partie.

4. A 4th, that as they have a Congregation of Cardinals at *Rome*, to consider of the aptest wayes and meanes of establishing the Popes authority and Religion in *England*: so they have a Nuncio here, to act and dispose that party to the execution of those Counsels, and by the assistance of such cunning and Jesuiticall spirits as swarm in this towne, to order and manage all actions, and events, to the furtherance of that maine end.

2. The second grievance in Religion, was from those manifold innovations lately introduced into severall parts of the Kingdome, ^{Innovations in matters of Religion.} all inclining to Popery, and disposing and fitting men to entertaine it: the particulars are these.

1. Divers of the chiefe points of Religion in difference betwixt us and the Papiſts have bin publikely defended in licensed ^{Maintenance of popish tenets.} Books, in Sermons, in University acts and disputations.

2. Diverse Popish Ceremonies have bin not only practised, but ^{Practice of popish ceremonies.} countenanced, yea little lesse than injoynd, as Altars, Images, Crucifixes, bowings, and other gestures and observances, which put upon our Churches a shape and face of popery. He compared this to the dry bones in *Ezekiel*, first they came together, then the sinewes and the flesh came upon them, after this the skin covered them, and then breath and life was put into them: so (he said) after these men had moulded us into an outward forme and visage of popery, they would more boldly endeavour to breathe into us the spirit and life of popery.

3. The third grievance, was the countenancing and preferring ^{Preferment of men popishly inclined.} those men, who were most forward in setting up such Innovations, the particulars were so well knowne, that they needed not to be named.

4. The fourth was, the discouragement of those who were ^{Discouragement of true Professors.} known to be most conscionable, and faithfull professors of the truth: some of the wayes of effecting this, he observed to be these.

1. The courses taken to enforce and inlarge those unhappy differences, for matters of small moment, which have bin amongst ^{Inlargement of differences among ourselves.} our selves, and to raise up new occasions of further division, whereby many have bin induced to forsake the land, not seeing the end of those voluntary and humane Injunctions in things appertaining

taining to Gods worship: whereas those who are indeed lovers of Religion, and of the Churches of God, would seeke to make up those breaches, and to unite us more entirely against the common enemy.

Over-rigid prosecution of the scrupulous for things indifferent.

2. The over rigid prosecution of those who are scrupulous in using some things enjoyned, which are held by those who enjoyn them, to be in themselves indifferent. It hath bin ever the desire of this House, exprest in many Parliaments in *Q. Elizabeths* time and since, that such might be tenderly used. It was one of our petitions delivered at *Oxford* to his Majestie that now is: but what little moderation it hath produced, is not unknowne to us all; any other vice almost may be better indured in a Minister than Inconformitie.

Unjust punishments for matters not by law. Reading the Booke.

3. The unjust punishments, and vaxations of sundry persons for matters required, without any warrant of Law: as For not reading the book concerning recreation on the Lords day.

The Table set Altarwise.

For not removing the Communion Table to bee set Altarwise at the East end of the Chancell.

Comming to the-railes.

For not comming up to the Railes to receive the Sacrament.

Preaching upon the Lords day. Varying from the catechisme

For preaching the Lords day in the afternoone. For Catechising in any other words and manner than in the precise words of the short catechisme in the Common Prayer booke.

Abuse of Ecclesiasticall jurisdiction.

The fifth and last grievance concerning Religion, was the incroachment and abuse of Ecclesiasticall jurisdiction: the particulars mentioned are these.

In fining and imprisoning. Claiming jurisdiction to be *Jure Divino*. Articles of the Visitations.

1. Finding and imprisoning in cases not allowed by Law.
2. Their challenging their jurisdiction to be appropriate to their order, which they alledge to be *jure Divino*.
3. The contriving and publishing of new articles, upon which they inforce the Churchwardens to take oathes, and to make inquiries and presentments, as if such articles had the force of Cannons: and this, he said, was an effect of great presumption and boldnesse, not only in the Bishops, but in their Archdeacons, Officials and Chancellors, taking upon themselves a kind of Synodall authority: and the Injunctions of this kinde, might well partake in name with that part of the common Law, which is called the Extravagants.

Having dispatcht these severall points, hee proceeded to the third part of grievances, being such as are against the common justice of the Realm, in the liberties of our persons and proprietie of our estates, of which (he said) he had many to propound: In doing whereof, he would rather observe the order of time, wherein they were acted, than of consequence: but when hee should come

Grievances concerning the liberty of persons and estates

come to the cure, hee should then perswade the House to begin with those, who were of most importance, as being now in execution, and very much pressing and exhausting the Commonwealth.

He began with the Tonnage and poundage, and other impositions not warranted by Law; and because these burdens had long lyen upon us, and the principles which produced them, are the same from whence diverse other are derived, he thought it necessary to premise a short narrative, and relation of the grounds and proceedings of the power of imposing herein practised. It was (he said) a fundamentall truth essentiall to the constitution and government to this kingdome, an hereditary liberty and priviledge of all the free borne subjects of the Land, that no tax, tallage, or other charge might be laid upon us, without common consent in Parliament, this was acknowledged by the Conqueror, ratified in that contract which hee made with this Nation, upon his admittance to the Kingdome, declared and confirmed in the Lawes which he published.

Tonnage and Poundage impositions.

Not to be taken but by consent in Parliament.

Acknowledged by the Conqueror.

This hath never bin denied to any of our Kings, though broken and interrupted by some of them, especially by K. *Iohn*, and *Hen. 3.* then againe confirmed by *Mag. Chart.* and other succeeding lawes: yet not so well settled, but that it was sometime attempted by the two succeeding *Edwards*, in whose times the subjects were very sensible of all the breaches made upon the common libertie, and by the opportunitie of frequent Parliaments, pursued them with fresh complaints, and for the most part, found redresse, and procured the right of the subject to be fortified by new Statutes.

Sometimes broken by other Kings but never denied.

Those breaches repaired by succeeding Parliaments.

He observed that those Kings, even in the Acts whereby they did break the Law, did really affirme the subjects liberty, and disclaime the right of imposing, which is now chalenged, for they did usually procure the Merchants consent, to such taxes as were laid, therby to put a colour of justice upon their proceeding, and ordinarily they were limited to a short time, and then propounded to the ratification of the *Parliament*, where they were cancelled or confirmed, as the necessity and state of the Kingdome did require.

Some mixture of evidence for the subject in these very breaches.

But for the most part such charges upon merchandize, were taken by authority of *Parliament*, and granted for some short time, in a greater or lesser proportion, as was requisite for supply of the publike occasions, 6 or 12 in the pound, for one, two, or three years, as they saw cause, to be employed for the defence of the Sea, and it was acknowledged so clearly, to be in the power of *Parliament*, that they have sometimes bin granted to Noblemen, sometimes to Merchants to be disposed for that use. Afterwards they were granted to the King for life, and so continued.

The grant by Parliament most usuall.

At first variously limited in respect of time and persons.

Afterwards confirmed to the King for Life.

nued for divers descents, yet still as a gift and grant of the Commons.

No contrary practice between Ed. 3 and Q. Mary.

Pretended equity for the Custom upon cloth.

The grounds of the pretermitted Custom.

Betwixt the time of *Ed. the third*, and *Q. Mary*, never Prince (that he could remember) offered to demand any imposition, but by grant in *Parliament*: *Q. Mary* laid a charge upon cloth by the equity of the Statute of Tunnage and Poundage, because the rate set upon wool was much more than upon cloth, and there being little wool carried out of the Kingdom unwrought, the *Q* thought she had reason, to lay somewhat more, yet not full so much, as brought them to an equality, but that there still continued a lesse charge upon wool wrought into cloth, than upon wool carried out unwrought; until *K. James's* times, when upon *Nicholson's* project, there was a further addition of charge, but still upon pretence of the Statute, which is that we call the pretermitted custome.

Bates Case.

The judgement therein for the King.

In *Q. Eliz.* time, one or two little impositions crept in, the general prosperity of her reign overshadowing small errors and innovations: one of these was upon Currans, by occasion of the Merchants complaints, that the *Venetians* had laid a charge upon the *English* cloth, that so we might be even with them, and force them the sooner to take it off: this being demanded by *K. James*, was denied by one *Bates* a Merchant, and upon a suit in the Exchequer, was adjudged for the King.

Resulting from different opinions of the Judges.

The manner of which judgment was thus: There were then but three Judges, in that Court, all differing from one another in the grounds of their sentences. The first was of opinion, the King might impose upon such commodities as were forraigne, and superfluous as Currans were, but not upon such as were native, and to be transported, or necessary, and to be imported for the use of the kingdom. The second Judge was of opinion, he might impose upon all forraign Merchandise, whether superfluous or no, but not upon native. The third, that for as much as the King had the custody of the Ports and the guard of the Seas and that he might open and shut up the ports as he pleased, he had a prerogative to impose upon all Merchandise, both exported and imported.

The only foundation of the power of imposing.

followed with complaints, and preserved by breaches of Parliaments.

This single, distracted and divided judgment, is the foundation of all the impositions now in practice: for after this, *K. Jam.* laid new charges upon all commodities outward and inward, not limited to a certaine time, and occasion, but reserved to himselfe, his heires and successors for ever; the first, impositions in fee simple, that were ever heard of in this kingdome. This judgment, and the right of imposing thereupon assumed, was a question in *septimo & duodecimo* of that King and was the cause of the breach of both those *Parliaments* In 18. and 21. *Jacobi*, it was declined by this House, that they might preserve the favour of the

the K. for the dispatch of some other great businesses, upon which they were more especially attentive.

In 1 of his Majesty, It necessarily came to be remembered upon the proposition on the Kings part, for renewing the bill of Tonnage and Poundage, but so moderate was that *Parliament*, that they thought rather to confirme the impositions already set by a law to be made, than to abolish them by a judgement in *Parliament*, but that and divers ensuing *Parliaments* have been unhappily broken before that endeavour could be accomplished, only at the last meeting, a Remonstrance was made concerning the liberty of the Subject in this point, and it hath alwayes been exprest to be the meaning of the House, and so it was (as hee said) his owne meaning in the proposition now made, to settle and restore the right according to law, and not to diminish the Kings profit, but to establish it by a free grant in *Parliament*.

Since the breach of the last *Parliament*, his Majesty hath by a new book of Rates very much increased the burden upon Merchandize, and now Tonnage and Poundage, old and new impositions are all taken by Prerogative, without any grant in *Parliament*, or authority of law as we conceive, from whence divers inconveniences and mischiefs are produced.

1 The danger of the president, that a judgement in one Court, and in one case, is made binding to all the Kingdome.

2 Mens goods are seized, their legall suits are stopped, and justice denied to those, that desire to take the benefit of the Law.

3 The great summes of money received upon these impositions, intended for the guard of the Seas, claimed and defended upon no ground, but of publike trust, for protection of Merchants and defence of the ports, are despoiled to other uses, and a new tax raised for the same purposes.

4 These burdens are so excessive, that trade is thereby very much hindered, the commodities of our owne groweth extreamly abased, and those imported much inhaunted, all which lies not upon the Merchant alone, but upon the generality of the subject, and by this meanes the stocke of the Kingdom is much diminished, our exportation being lesse profitable, and our importation more chargeable. And if the warres and troubles in the neighbour parts had not brought almost the whole streame of Trade into this Kingdom, we should have found many more prejudicial effects of these impositions, long before this time, than yet we have done; especially they have been insupportable to the poor plantations, whither many of his Majesties subjects have been transported, in divers parts of the Continent, and Islands of *America*, being a designe tending to the honour of the Kingdome, and the enlargement of his Majesties dominions: The adventurers in this noble worke,

The redresse desired without diminution of the Kings profit

New burdens since the last Parliaments.

Divers mischiefs from these grievances.

The Kingdom bound by one private case.

Interruption of Justice.

Misemployment of the summes received.

The burdens excessive.

To the American plantations especially.

have for the most part, no other support but Tobaccò, upon which, such a heavy rate is set, that the King receives twice as much, as the true value of the commoditie to the owner.

Impositions upon trade intercourfory.

5 Whereas these great burdens have caused divers Merchants to apply themselves to a way of traffique abroad by transporting goods from one Country to another, without bringing them home into *England*. It hath been lately endeavoured to set an Imposition upon this trade: so as the King will have a duty out of those commodities which never came within his dominions, to the great discouragement of such active and industrious men.

Compositions for Knighthood

The next generall head of Civill grievances, was enforcing men to compound for Knighthood, which though it may seeme past, because it is divers years since it was used, yet upon the same grounds the King may renew it, as often as he pleaseth, for the composition lookes backward, and the offence continuing, is subject to a new fine. The state of that businesse, he layed downe thus.

The Original ground of the charge.

Heretofore when the services due by tenure, were taken in kind, it were fit there should be some way of tryall, and approbation of those, that were bound to such services. Therefore it was ordained, that such as were to do Knights service, after they came of age, and had possession of their lands, and should be made Knights, that is publikely declared, to be fit for the service, divers ceremonies and solemnities were in use for this purpose; and if by the parties neglect this was not done, he was punishable by Fine: there being in those times an ordinary and open way to get Knighthood, for those who were born to it.

An old grievance in the kind.

Although the use of this hath for divers ages been discontinued, yet there have past very few Kings, under whom there hath not bin a general Summons, requiring those who had lands of such value as the Law prescribes, to appear at the Coronation, on some other great solemnity, and to be Knighted, and yet nothing intended but the getting of some small fines: so as this grievance is not altogether new in the kind, though it be new in the manner, and in the excessse of it, and then in divers respects.

New in the manner and excessse.

Respect of

1 First, It hath been extended beyond all intention and colour of law, not only Inne-holders, but likewise Lease-holders, Copy-holders, Merchants and others, scarce any man free from it.

The generality

2 The Fines have been immoderate, far beyond the proportion of former times.

Greatnesse of fines.

3 The proceedings have been without any example, president, or rule of justice: for though those that were summoned did ap-

Multiplication of distresses and issues.

peare, yet distresses infinite were made out against them; and issues increased and multiplied, and no way open to discharge those

those issues, by plea or otherwise, but only by compounding with the commissioners at their own pleasure.

3 The third was, the great Inundation of Monopolies, where-
by heavy burthens are laid, not only upon forraigne, but also na-
tive commodities. These began in the Sope-Patent; the princi-
pall undertakers in this, were divers popish Recusants, men of
estate and quality, such as in likelyhood did not only aime at
their private gaine, but by this open breach of Law, the King
and his people might be more fully divided, and the wayes of
Parliament men more throughly obstructed. Amongst the infinite
inconveniencies and mischiefs which this did produce, these few
may be observed.

Monopolies in-
troduced by the
sope patent un-
dertaken by
Papists.

Full of mis-
chiefe.

1 The impairing the goodnesse, and inhancing the price of
most of the Commodities and Manufactures of the Realme, yea,
of those, who are of most necessary and common use, as Salt,
Sope, Beere, Coles, and infinite others.

the price of
commodities
increast and
goodness abat-
ed.

2 That under colour of Licences, Trades, and Manufactures
are restrained to a few hands, and many of the Subjects deprived
of their ordinary way of livelyhood.

Restraint of
Trade.

3 That upon such illegal grants, a great number of persons
had bin unjustly vexed by Pursevants, Imprisonments, attendance
upon the Councill Table, seisure of goods, and many other
wayes.

Illegal impris-
onments and
vexatious Ship-
mony.

4 The fourth, that great and unparalleled grievance of the
Shipmoney, which though it may seeme to have more war-
rant of Law than the rest, because there hath a judgement
past for it, yet in truth it is thereby aggravated, if it be consider-
ed, that that judgement is founded upon the naked opinion of
some judges, without any written Law without any custome, or
authority of Law broken, yea, without any one president for it.
Many expresse Laws, many Declarations in *Parliaments*, and the
constant judgement and practise of all times being against it, yea
in the nature of it, it will be found to be disproportionable to the
case of necessity which is pretended to be the ground of it.

Aggravated not
supported by
the Iudgement.
Which is not
grounded upon
any law, cus-
tom, president,
or authority of
law bookes.

Necessity excludes all formalities and solemnities, it is no time
then to make Levies and Taxes to build and prepare Ships, every
mans person, every mans Ships are to be imployed for the resisting
of an invading enemy: the right on the Subjects part was so
cleare, and the pretences against it so weake, that hee thought no
man would venture his reputation or conscience in the defence of
that judgment, being so contrary to the grounds of the Law, to
the practise of former times, and so inconsistent in it selfe. A-
mongst many inconveniencies and obloquies of this grievance he
noted these.

The course un-
proper for a
case of necessi-
ty.

Abounding in
variety of mis-
chiefs.

1 That it extendeth to all persons, and to all times, it sub-
jected our goods to distresse, and our persons to imprisonment;
and

The general extent and remediable condition. and the causes of it being secret and invisible, referred to his Majesty's breast alone, the Subject was left without possibility of exception, and relieve.

Arbitrary proportion. 2 That there was no rules or limits for the proportion, so that no man knew what estate he had, or how to order his course or expences.

Imposed by writ dispos'd by instructions. 3 That it was taken out of the Subjects purse, by a writ, and brought into the Kings Coffers by instructions from the Lords of his most honourable privy Councell. In the legall defence of it, the Writ only did appeare; of the instructions, there was no notice taken, which yet in the reall execution of it, were most predominant. It carries the face of service in the Writ, and of Revenue in the instructions: if this way had not been found to turn the Ship, into money, it would easily have appeared how incompatible this service is with the office of a Sheriffe, in the inland Counties, and how incongruous and inconvenient for the inhabitants. The law in a body politike is of like nature, which alwayes prepareth and disposeth proper and fit instruments and Organs, for every naturall operation; if the Law had intended any such charge as this, there should have beene certaine rules, suitable meanes and courses, for the levying and managing of it.

Improper for the Sheriffes. Unprovided for by law. Inlargement of Forrests. 5 The fifth was the Inlargement of the Forrests beyond the bounds and perambulations appointed and stablished by act of Parliament, twenty seven and twenty eight *Edward the first*, and that this is done upon the same reasons and exceptions which had beene on the Kings part propounded, and by the Commons answered in Parliament not long after that establishment. It is not unknowne to many in this House, that those perambulations were the fruit and effect of that famous Charter, which is called *Charta de forresta*, whereby many tumults, troubles, and discontents had beene taken away, and composd between the King and his subjects, & it is full of danger, that by reviving those old Questions we may fall into the like distempers.

Against excessive Statutes. Charta de forresta, made uselesse. Justice in Eyre cleared. He said, that hereby no blame could fall upon that great Lord who is now Iustice of Eyre, and in whose name these things were acted, it should not be expected that he should take notice of the lawes and customes of the realme, therefore he was careful to procure the assistance and direction of the Iudges, and if any thing were done against law, it was for them to answer, and not for him.

The Answer lies upon the Iudges. Particular Obliquities. The particular irregularities and obliquities of this businesse were these.

Surreptitious proceedings. 1 The surreptitious procuring a verdict for the King, without giving notice to the Countrey, whereby they might be prepared to give in evidence for their owne interest and indemnity; as was done in *Essex*.

2 Whereas the Judges in the Iustice seat in *Essex* were consulted with, about the entry of the former verdict, and delivered their opinion touching that alone, without meddling with the point of right, this opinion was after inforced in other Counties, as if it had beene a judgement upon the matter, and the Councell for the Countie discountenanced in speaking, because it was said to be already adjudged. A judgment pretended.

3 The inheritance of divers of the Subjects have been hereupon disturbed after the quiet possession of three or foure hundred years, and a way open for the disturbance of many others. The Subject disturbed.

4 Great sums of mony have bin drawn from such as have lands within these pretended bounds, and those who have forborne to make composition, have beene threatned with the execution of the forrest lawes. Inforced to compound for great fines.

The fifth, was the felling of Nusances, or at least, some such things as are supposed to be Nusances.

The King as Father of the Common wealth is to take care of the publike commodities, and advantages of his subjects, Rivers, Highways, Common Sewers, and such like, and is to remove whatsoever is prejudiciall to them, and for the tryall of those, there are legall and ordinary writs, of *Ad quod damnum*: but of late a new and extrajudiciall way hath been taken of declaring matters to be Nusances, and divers have thereupon been questioned, and if they would not compound they have been fined; if they do compound, that which was first prosecuted as a common Nusance, is taken into the Kings protection, and allowed to stand, and having yeelded the King Mony no further care is taken, whether it bee good or bad for the common wealth. The legall tryal of Nusances as omitted. A new extrajudiciall way practised. Compositions inforced, and

By this a very great and publike trust is either broken or abused: if the matter compounded for be truly a Nusance, then it is broken to the hurt of the people: if it bee not a Nusance, then is it abused to the hurt of the party; the particulars mentioned, were, A publike trust broken and abused.

1 The Commission for buildings in and about this town, which heretofore hath bin presented by this House as a grievance in K. *James* his time, but now of late the execution hath beene much more frequent and prejudiciall than it was before. Commission for building.

Sccondly, Commission for Depopulations, which began some few yeares since, and is still in hot prosecution. Depopulations.

By both these, the subject is restrained from disposing of his owne, some have been commanded to demolish their houses, others have been forbidden to build, others after great trouble and vexation, have been forced to redeeme their peace with large summes, and they still remaine by law, as lyable to a new question as before, for it is agreed by all, that the King cannot licence a common Nusance: and although indeed these are not such, yet it is a matter of very ill consequence, that under that name they should be The severall mischiefs of both.

be compounded for, and may in ill times be made a president for the Kings of this Realme to claime a power of licencing such things as are Nusances indeed.

Military charges.

The seventh, the military charges laid upon the severall Counties of the Kingdom, sometimes by warrant under his Majesties signature, sometimes by Letters from the Councel Table, and sometimes (such hath been the boldness and presumption of some men) by the order of the Lord *Lieutenants*, or deputy Lieutenant alone.

A growing evil

Coat and conduct money how practised by Q. Eliz.

This is a growing evill still multiplying and increasing from a few particulars to many, from small summes to great: it began first to be practised as a loane, for supply of coat and conduct money, & for this it hath some countenance, from the use in Q. *Eliz.* time, when the Lords of the Councell did often desire the deputy Lieutenants to procure so much mony to be laid out in the Country as the service did require, with a promise to pay it againe in *London*; for which purpose there was a constant warrant in the Exchequer. This (he said) was the practice in her time, and in a great part of K *James*, and the payments so certain, as it was little otherwise, than taking up mony upon bills of exchange; at this day they follow these presidents, in the manner of the demand (for it is with a promise of a repayment) but not in the certainty and readines of satisfaction.

Musters masters wages.

The first particular brought into a tax (as he thought) was the Muster Masters wages, at which many repined, but being for small summes, it began to be generally digested: yet in the last *parliament*, this House was sensible of it, and to avoyd the danger of the president that the Subjects should bee forced to make any payments without consent in *Parliament*. they thought upon a Bill that may bee a rule to the Lieutenants what to demand, and to the people what to pay. But the hopes of this Bill were dashed in the dissolution of that *Parliament*. Now of late divers other particulars are growing into practice, which make the grievances much more heavy: those mentioned were these.

Pressing.

1 Pressing men against their will, and forcing them which are rich or unwilling to serve to find others in their place.

Publike magazines.

2 The provision of publike Magazines for powder, and other Munition, Spades and Pickaxes.

Salary of officers.

3 The Salary of Divers officers besides the Muster-Master.

Cart-horses and Carts.

4 The buying of Cart-horses and Carts, and hyring of Carts for Cariages.

Extrajudiciall declarations of Judges.

The eighth, the extrajudiciall declarations of Judges whereby the subjects have beene bound in matters of great importance without hearing of Counsell or Argument on their part, and are left without legall remedy, by writ of error or otherwise: he remembered the expression used by another member of the House of a teem-

a teeming Parliament: this (he said) was a teeming grievance: ^{A teeming grievance.} from hence have issued most of the great grievances now in being, The Shipmoney, the pretended Nufances already mentioned, and some others which have not yet been toucht upon: Especially that concerning the proceedings of Ecclesiasticall Courts.

The ninth, That the Authority and wisdom of the Councell ^{Monopolies countenanced by the Councell Table.} Table have bin applyed to the contriving and managing of several Monopolies, and other great grievances; (he said) The institution of the Councell Table, was much for the advantage and security ^{The ancient oath of counsellours.} of the subject, to avoid surreptions and precipitate Courts in the great affaires of the Kingdome: That by law an oath is to be taken by all those of the Kings Counsell, in which amongst other things it is exprest, that they should for no cause forbear to doe right, to all the Kings people, and if such an oath be not now taken, he wisht it might be brought into use againe.

It was the honour of that Table, to bee as it were incorporated ^{Their trust and dignity.} with the King, His royall power and greatnesse did shine most conspicuously in their actions, and in their Counsels: We have heard of Projectors and Refurees heretofore and what opinion and relish they have found in this House is not unknowne. But that any such thing should bee acted by the Councell Table, which might give strength and countenance to Monopolies, as it hath not beene used till now of late, so it cannot be apprehended without the just grief of the honest subject, and encouragement of those who are ill affected.

He remembered that in *Tertio* of King.

A Noble Gentleman, then a very worthy member of the Com- ^{Much diminished and debased} mons House, now a Great Lord an eminent Councellour of State, did in this place declare this opinion concerning that clause used to bee inserted in Pattents of Monopoly, whereby Iustices of Peace are commanded to assist the Pattentees, this he urged as a great dishonour to those Gentlemen which are in Commission to bee so meanely imployed, with much more reason, may we in jealousie of the honour of the Councell Table, humbly desire that their precious time, their great abilities designed to the publike care and services of the Kingdome, may perhaps not receive such ^{By being employed in matters of such ill report.} a staine such a diminution, as to be employed in matters of so ill report, in the estimation of the law: of so ill effect, in the apprehension of the people.

The tenth, The High Court of Starchamber, which some ^{Star-chamber a great Councell.} think, succeeded that, which in the Parliament Rolles is called, *Magnum Concilium*, and to which, Parliaments were wont so often to referre those important matters, which they had no time to determine. This Court which in the late restauration or erection of it, in *Henry* the seventh's time, was especially designed to re- ^{A court created against oppression.} straine the oppression of great men and to remove the obstructions

Applied the
establishing of
Monopolies.

To the recove-
ry of Shipmo-
ney.

The Kings
edicts and Pro-
clamations.

For the erect-
ing Monopolies

The word and
truth of God.

Pretended for
the absolute
power of Kings

The offence of
D. Mannering.

Now practised
by others.

To the great
hurt and grie-
vance of the
people.

and impediments of the Law. This which is both a Court of Councell and a Court of Justice, hath beene made an instrument of erecting and defending Monopolies and other grievances; to set a face of right upon these things, which are unlawful in their owne nature: a face of publike good, upon such as are pernicious in their use and execution. The Soape-Patent, and diverse other evidences thereof may be given, so well knowne, as not to require a particular relation: And as if this were not enough, this Court hath lately intermeddled with the Ship-money, diverse Sheriffs have been questioned, for not levying, and collecting such sums, as their Counties have beene charged with, and if this beginning be not prevented, the Star-Chamber will become a Court of Revenue, and it shall be made a crime not to collect or pay such taxes, as the State shall require.

The Eleventh, He said, he was gone very high, yet hee must goe a little higher: that great and most eminent power of the King of making Edicts and Proclamations, which are said to bee *Leges Temporis*, with whom our Princes have used to encounter with sudden and unexpected danger, as would not endure so much delay, as assembling the great Councell of the Kingdome. This which is one of the most Glorious beames of Majestie, rigorous in commanding Reverence, and subjection, to our unspeakable griefe, hath been often exercised for the enjoyning and maintaining fundry Monopolies, and other grants, exceeding burdensome, and prejudiciall to the people.

The Twelfth, Although hee was come as high as he could upon earth, yet the presumption of evill men did leade him one step higher, even as high as Heaven, as high as the Throne of God. It was now, he said, growne common, for ambitious and corrupt men of the Clergie, to abuse the truth of God, and the bond of Conscience, preaching downe the Lawes and liberties of the Kingdome, pretending Divine authority, for an absolute power in the King, to doe what he would with our persons, and goods, this hath been often published in Sermons, and Printed books, and is now the high way to preferment.

The last Parliament, we had a sentence for an offence of this kinde, against one *Mannering*, then a Doctor, now a Bishop, concerning whom (hee said) hee would say no more but this, that when he saw him at his Barre, in the most humble dejected posture that ever he observed, hee thought he would not so soone have leapt into a Bishops Chaire, but his successe hath emboldened others, therefore (hee said) this may well bee noted as a double grievance, that such doctrine should bee allowed, that such men should be preferred, yea as a roote of grievances whereby they endeavour to corrupt the Kings Conscience, and as much as in them lyes, to deprive the people of that Royall protection, to which his

his Majestie is bound by the fundamentall Lawes of the Kingdom, and his own personall Oath.

The thirteenth: The long intermission of the Parliaments, contrary to the two statutes yet in force, whereby it is appointed there should be Parliaments once a yeare, at the least, and most contrary to the publike good of the Kingdome, for this being well remedied would produce remedies for all the rest.

The Intermission of Parliaments.

Having put through the severall heads of grievances, hee came to the second maine branch, propounded in the beginning. That the disorders from whence these grievances issued, were as hurtfull to the King, as to the people, of which he gave diverse reasons.

The Subjects grievances hurtfull to the King.

1. The interruption of the sweet communion which ought to be betwixt the King and his People, in matters of grace and supply.

They have need of him by his generall pardon, to bee secured from projectors, and informers, to be freed from obsolete Lawes, from the subtle devices of such as seeke to restraine the Prerogative to their own private advantage, and the publike hurt; and he hath need of them for counsell and support, in great and extraordinary occasions. This mutuall entercourse would so weane the affections and interests of his Subjects, into his actions and designs, that their wealth and their persons would bee his, his owne estate would be managed to most advantage, and publike undertakings would bee prosecuted at the charge and adventure of the Subject: The victorious Attempts in Queene *ELIZABETH*'s Time upon *Portugall*, *Spaine*, and the *Indies*, were for the greatest Part, made upon the poore Subjects Purfes, and not upon the Queen's, though the Honour and Profit of the Successse, did most accrew to her.

B. interrupt their communion.

2. Those often breaches and discontentments betwixt the King and the people, are very apt to diminish his reputation abroad, and disadvantage his Treaties and Alliances.

By domestical breaches and discontentments.

3. The Apprehension of the Favour and Incouragement given to Popery, hath much weakned his Majesty's Party beyond the Sea, and impaired that Advantage which Queen *Elizabeth* and his Royall Father hath heretofore made, of being heads of the Protestant Union.

By weakning his partie abroad.

4. The Innovations in Religion and Rigour of Ecclesiasticall Courts, have forced a great many of his Majesties Subjects to forsake the Land, whereby not only their persons and their posterity, but their wealth, and their industry are lost to this Kingdome, much to the demolishing of his Majesties Customs and Subsidies. Amongst other inconveniences, this was especially to bee observed, that diverse Clothiers driven out of the Country, had set up the Manufacture of Cloth beyond the Seas, whereby this State is like to suffer much by abatement of the Price of Woolls, and by want

By forcing his subjects to leave the Kingdom.

of Imployment for the poore, both which likewise tend to his Majesties particular losse.

By improper
wayes to sup-
ply.

5. It puts the King upon improper wayes of supply, which being not warranted by Law, are much more burdensome to the Subject, than advantageous to his Majesty. In *France* not long since, upon a survey of the Kings Revenue, it was found that two parts in three, never came to the King's Purse, but were diverted to the profit of the Officers or Ministers of the Crowne, and it was thought a very good Service and Reformation, to reduce two parts to the King, leaving still a third Part to the Instruments as were employed about getting it in. It may well be doubted, that the King may have the like or worse successe in *England*: which appears already in some particulars.

The King hath reserved upon this Monopoly of Wines, 30 thousand Pound Rent a yeere, the Vintners paies 40. Shillings a Tun, which comes to Ninty thousand pounds: the price upon the Subject by retaile, is increased Two pence a Quart, which comes to Eight pound a Tun, and for 45000. Tun brought in yeerely, amounts to 3. hundred 60. thousand pounds, which is 3. hundred and 30. thousand pounds losse to the Kingdome, above the Kings Rent; other Monopolies, as that of Soape, have been very chargeable to the Kingdome, and brought very little Treasure into his Majesties Coffers.

The Law provides for that revenue of the Crowne; which is natural and proper, that it may be safely collected, and brought to Account; but this illegall Revenue, being without any such provision, is left to hazard, and much uncertainty, either not to be retained, or not duly accounted of.

By weakning
the industry
and courage of
the subject.

6. It is apt to weaken the Industry and Courage of the Subject, if they be left uncertain: whether they shall reap the benefit of their own paines, and hazard those who are brought into the Condition of slaves, will easily grow to a slavish disposition, who having nothing to lose, doe commonly shew more boldnesse in disturbing, than of defending a kingdome.

By introducing
ill Instruments
into the Kings
service.

7. These irregular Courses do give opportunity to ill Instruments to insinuate themselves into the Kings service, for wee cannot but observe, that if a man be officious in furthering their inordinate burdens of Ship-money, Monopolies, and the like; it varnisheth over all other faults, and makes him fit both for Imployment and Preferment: So that out of their offices, they are furnish'd for vast Expences, Purchases, Buildings; and the King loseth often more in desperate debts at their Deaths, than he got by them all their lives, whether this were not lately verified in a Westerne man, much employed while he lived, he leaves to the Knowledge of those who were acquainted with his Course, and he doubted not but others might be found in the like case.

Those

Those that are affected to Popery, to prophaneſſe, and to ſuperſtitious innovations, in matters of Religion; all kinde of Spies and intelligencers have meanes to be countenanced and truſted if they will be but zealous in theſe kinde of ſervices, which how much it detracts from his Maieſtie, in honour, in profit and proſperity of publike affaires, lies open to every man's apprehenſion: and from theſe reaſons, or ſome of them, he thought it proceeded that through the whole courſe of the *Engliſh* ſtory it might be obſerved, that thoſe Kings who had bin moſt reſpectfull of the Lawes, had bin moſt eminent in Greatneſſe, in Glory and Succeſſe, both at home and abroad; and that others, who thought to ſubſiſt by the violation of them, did often fall into a ſtate of Weakneſſe, Poverty, and Infortunitie.

8. The differences and diſcontents betwixt his Maieſtie, and the people at home, have in all likely-hood diverted his Royal thoughts and Councells from thoſe great opportunities which he might have, not only to weaken the Houſe of *Austria*, to reſtore the *Poland*, but to gaine to himſelf a higher pitch of power and greatneſſe, than any of his Anceſtors.

By diverting the KING'S thoughts from divers great and hopeful enterprizes.

It is not unknown how weak, how diſtracted, how diſcontented the *Spaniſh* Colonies are in the *West-Indies*. There are now in thoſe Parts in *New-England*, *Virginia*, and the *Caribe-Islands*, and in the *Bermudos*, at leaſt 60000 able perſons of this Nation, many of them well armed, and their bodies ſeaſoned to that Climate, which with a very ſmall charge might be ſet down in ſome advantageous parts of theſe pleaſant, rich and fruitfull Countreys, and eaſily make his Maieſtie Maſter of all that treaſure, which not only foments the war, but is the great ſupport of Popery in all parts of Chriſtendom.

9. Laſtly, Thoſe courſes are apt to produce ſuch diſtempers in the ſtate, as may not be ſettled without great charge and loſſe, by which means more may be conſumed in a few moneths than ſhall be gotten by ſuch wayes in many yeeres.

By producing many chargeable diſtempers.

Having paſt through the two firſt generall Branches, he was now come to the third, wherein he was to ſet downe the wayes of healing and removing thoſe grievances, which conſiſted of two maine Branches, firſt in declaring the Law where it was doubtful: The ſecond in better proviſion for the execution of the Law, where it is cleere: But (he ſaid) becauſe he had already ſpent much time, and began to find ſome confuſion in his Memory, he would refer the particulars to another opportunity, and for the preſent only move that, which was generall to all, and would give waight and advantage to all the particular wayes of redreſſe; that is, that we ſhould ſpeedily deſire a Conference with the Lords, and acquaint them with the Miſerable condition wherein we find the Church and State, and as wee have already reſolved to joyn in a reli-

The wayes of remedying their grievances.

a religious seeking of God, in a day of fast and humiliation, so to intreat them to concur with us, in a Parliamentary course, of petitioning the King as there should bee occasion, and in searching out the causes and remedies of these many insupportable grievances under which we lye, that so by the united wisdom and authority of both Houses, such courses may bee taken, as (through Gods blessing) may advance the honour and greatness of His Majesty, and restore and establish the peace and prosperity of the Kingdome.

This (hee said) Wee might undertake with comfort and hope of successe: for though there bee a darknesse upon the Land, a thicke and palpable darknesse, like that of *Egypt*; yet as in that, the Sunne has not lost his light, nor the *Ægyptians* their sight, the interruption was onely in the *Medium*, so with us there is still (God bee thanked) light in the Sunne, Wisdom and Justice in His Majestie to dispell this darknesse, and in us there remains a visuall faculty, whereby wee are inabled to apprehend, and moved to desire light, and when wee shall be blessed in the enjoying of it, we shall thereby be incited to returne His Majesty such thanks, as may make it shine more cleerely in the world, to His owne glory, and in the hearts of his people, to their joy and contentment.



The Troublesome LIFE and RAIGNE of King *HENRY* the Third. Wherein five Distempers and Maladies are set forth, viz.

1. *By the Pope and Church-mens extortions.*
2. *By the places of best trust bestowed upon unworthy Members.*
3. *By Patents and Monopolies for private Favourites.*
4. *By needlesse expences and pawning of jewels.*
5. *By factious Lords and ambitious Peeres.*

Sutable to these unhappie times of ours; and continued with them till the King tied his Actions to the rules of his great and good Councell, and not to passionate and single advice.

Written some Years since by that learned Antiquary of this Kingdom, Sir ROBERT COTTON, Knight and Baronet; presented to K. *JAMES* of ever blessed Memory. 1642.

W Earie in the lingering calamities of civill armes, and affrighted at the sudden downfall of a licentious Soveraigne, all men stood at gaze, expecting the event of their long desires, peace; and the issue of their new hopes, benefit. For in everie shift of Princes, there are few either so meane, or modest, that pleasure not themselves with some probable object of preferment.

To satisfie all, a child ascendeth the Throne, mild and gracious, but easie of nature, whose innocencie and naturall goodnesse led him along the various dangers of his fathers raigne. Happie was hee in his uncle the Earle of *Pembroke*, the guide of his infancie; and no lesse for thirtie yeares, whilst *De Burgo* the last servant of his fathers against the *French*, both in *Normandy* and *England*, with *Bigot* Earle of *Norfolk*, and others of like gravitie and experience did manage the affaires. Five and no more were the distempers then in state, but such as are incident in all, the Commons greedy of libertie, as the Nobilitie of rule; and but one violent, raised by some old and constant followers of his fathers, *Fulio de Brent*, *De Fortbus*, and others, men that could only thrive by the wars, misliking those dayes of sloth (for so they termed that calme of King *Henries* reigne) and rather because the justice of quietnesse urged from them to the lawfull owners, such lands and castles as the furie of war had unjustly given them: for finding in the uprightnesse of the King, that protection could not be made a wrong doer, they fell out into the rebellion which ended their lives and competitions, professing their swords, that had set the Crowne upon the Soveraigne, should now secure those small pittances, when Majestie and Law could not.

Dange-

Dangerous are too great benefits to Subjects of their Princes, when it maketh the mind capable only of merit, nothing of dutie.

No other disquiet did the State after this feele, but such as are incident to all: Malice to authoritie, goodnesse and greatnesse may secure themselves from guilt, but not from envie: for highest in trust in publike affaires are still shot at by the aspiring of those that see themselves lesse in employment than they deeme in merit. Those vapours did ever and easily vanish, so long as the helme was guided by wise and temperate spirits, and the King tyed his actions to the rules of good counsell, and not to young, passionate, and single advice.

Thirtie yeares now passed, and all the old guides of his youth dead, but *De Burgo*, a man in whom nothing of worth was wanting, but moderation, whose length of dayes giving him the advantage of sole power, his owne ambition and age gave him desire and art to keep out others. This bred to him the fatal envie of most, which the proud title of Earle, and offices then bestowed on him much encreased. Sin by this had wrought, as in it selfe, so in the affection of the people, a revolution; the affection of their fathers forgotten, and the surfet of long peace having led them perchance into some abuses. From thence the Commons (to whom everie dayes presence seeme worst) commend the forgone ages they never remembred, and condemne the present, though they knew neither the disease thereof, nor the remedie. To this idle and usuall humour fals in some noble spirits, warme and overweening, who being as truly ignorant as the rest, first, by sullyng the wisdom of the present and greatest Rulers, making each casuall hap their errorr seeme to decypher everie blemish in government, and then by holding certaine imaginarie and fantastick formes of Common-weale flatter their owne beleefes and abilities, that they could mould any state to those generall rules which in particular applications will prove them grosse and idle absurdities, confirmed in their owne worths by *Sommers* and *Spencer*, they take it a fit time to work themselves into action and authoritie, now a thing they long desired and thought unwilling to seeme to sue for.

Doubtlesse the surest of their aimes was yet to become quiet instruments in serving the State, if they had been held worthy; but the King, taught by the new Earle, *Consilia senum hastas juvenum esse*; and that such wits, for so they would be stiled, *Novandis quam gerendis aptiores*, fitter in being fierie to disorder than to settle affaires, either delayed or denyed their desires. For wise Princes will ever chuse their Instrument, *negotiis & non supra*, creatures out of free election, that are only otherwise without freeness or power.

Among this unequall medley there were of Nobilitie, *Pembroke*, *Glocester*, *Hartfield*, Darlings of the multitude, some for the merits of their fathers, whose memories they held sacred, as pillars of publike libertie, and oppressours of encroaching Monarchie. Others of the Gentry, *Fitz-Geffery*, *Bardolfe*, *Grisby*, *Mansell*, and *Fitz-Iohn*, spirits of as much acrimony, and arrogant spleene, as the places from whence they were elected, Camp, Court, or Countrey, could afford any. These by force would effect what by cunning the others did
affect,

affect, but all impatient to see their ends thus frustrate, and that so long as the King followed the directions of the Earle of Kent, they had small hopes of their desires. They made often meetings, and as one saith of them, *Clam nocturnis colloquiis aut flexa in vesperum diem*. At last, Sommers and Spencer, two that were far in opinion with the rest, Gentlemen, that by forraine education and employment, were better qualified than usually men of those times, and that set upon their owne deserts, the best places when the streame should turne, which some of them did unworthily obtaine (for he died in actuall rebellion *Iusticiarius Angliæ* against his Majesty) advised that the surest means to remove the great and good obstacle, the Earle of Kent out of the way of their advancement, was by sifting into his actions, and siding with his enemy, Peter Bishop of Winchester, an evill man, but gracious with the King, aiming that the worthiest driven out by the worst, they should ever be able to match him with his owne vices, which will be more visible, as he is more potent, and so remove him at pleasure, or else give over the King to such ministers as losing him the hearts of the people, might smoothe him a way to their bad desires: *Honores quos quieta rep. desperant, perturbata consequi se posse arbitrantur*.

This counsell, heard and approved, and put in execution, the corrupt and ambitious Bishop is easily ensnared to their part, by money and opinion of greater power. Articles are in all hast forged and urged against the Earle, as sale of the Crowne lands, waste of the Kings treasure; and lastly, that which those doubtfull times held capitall, giving allowance to any thing that might breed a rupture between the Subjects and the Sovereigne, as he had done in making way with the King to annihilate patents granted in his nonage, and enforced his Subjects to pay, as the Record saith, *Non juxta singulorum facultatem, sed quicquid justiciarius estimabat*; Well he cleared himself of all but the last, and did worthily perish by it: For acts that fill Princes coffers, are commonly the ruine of the first Inventors, bad times corrupt good counsels and make the ministers yeeld to the lust of Princes, but this King cannot therefore passe blamelesse, that would so easily banish all former merits of so good a servant, for that himselfe was therein chiefe in fault; but Princes natures are more voluble, and more sooner cloyed than others, more transitorie their favours, and as their minds are large, so they easily overlook their first elections, having no further necessitie in the fastnesse of their affections than their owne satisfaction.

The Bishop now alone manageth the State, chuseth his chiefe instrument, Peter de Rivallis, a man like himselfe, displaceth the Natives, and draweth Poytovins and Britons into offices of best trust and benefit, and the King into evill opinion of his people: for nothing is more against the nature of the English, than to have strangers rule over them. Of this mans time, Wenderover an Author then living saith, *Judicia committuntur injustis leges ex legibus, pax discordantibus, justitia injuriosis*. Thus the plot of the tumultuous Barons went cleere, and had not the discreet Bishop calmed all with dutifull persuasions, and enforming the King, the support of this bold mans power (whose carriage before lost his father Normandy, his treasure, and the love of his

people, and in that the Crowne) would as by his teaching the son, to reject in passion the just petition of his loyall Subjects, as of late the Earle Marshall the due of his office, draw all the State into discontent, by his bad office and corrupt manners; and doubtlesse, the rebellious Lords had ended this distemper (as their designs) in a civill war.

Denials from Princes must be supplied with gracious usage, that though they cure not the sore, yet they may abate the fence of it: best it is that all favours come directly from themselves, denials and things of bitterneffe from their ministers.

Thus are the strangers all displaced and banished, *Rivallis* extortions ransackt by many strick Commissions, and the Bishop himselfe sent disgraced to his See, finds now, *nullam quaesitam scelere potentiam diuturnam*, and that in Princes favours, there is no distance betweene mediocritie and precipitation; so dangerous are the wayes of Majestie and men still foolish to strive to run. The Faction still frustrate of their malicious ends, begin to sow upon their late grounds of the peoples discontent, *quærelas & ambiguos de principe sermones turbulentia vulgi*: and took it up a fashion, to endeare and glorifie themselves with the senselesse multitude, by depraving the Kings discretion and government, whose nature too gentle for such insolent spirits, was forced (as *Trivet* sayes) to seek as he presently did, advice and love amongst strangers, seeing no desert could purchase it at home, all bore themselves like Tutours and Controulers, few like Subjects and Counsellours.

God we see holdeth the hearts of Princes, and sends them such Counsellours as the qualitie of the subjects meriteth; for *Mountford* a French-man became the next object of the Kings delight, a Gentleman of choyse blood, education, and feature. On this mans content the heady affection of the Sovereigne did so much dote, that at his first entrie of grace, in envie of the Nobilitie, he made him Earle of *Leicester*; and in no lesse offence of the Clergie, by violating the rights of holy Church, gave him his vowed veiled sister to wife, more of art than usefull. Some have deemed this act of the Kings, making the tye of his dependencie the strength of his assurance, so both at his will.

Mountford made wanton with the dalliance of Majestie, forgetteth moderation; for seldome moderation in youth attendeth great and sudden fortunes: he draweth all affaires publike into his hands, all favours must pass from him, preferments by him, all suits addressed to him, the King but as a Cypher set to add to his figure the more of number.

Great was the Soveraignes errour, when the hope of servants must recognise itselfe to the servant, which ought immediately to come from the goodness and good election of himselfe. though Princes may take above others some reposefull friend with whom they may participate their neereft passions; yet ought they so to temper the affaires of his favour, that they corrupt not the affaires of their Principalitie.

The great and graveest men began to grieve, when the unworthy, without honour or merit, dealt thus alone in that which should passe their hands, and to over leap their yeares, to the greatest honours and offices; and therefore

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ran along with the rising grace of the Kings halfe brethren (though strangers) hoping to divide so the possession of grace, which they saw impossible to breake.

Leicester confident of his Majesties love, and impatient either to beare *Rivall* in favour, or partner in rule, opposeth them all; but findeth in his ebb of favour the fortunes of others; for this King could as easily transfer over his love, as settle his affection: great we see must be the art and cunning of that man, that keeps him afloat the streame of Sovereigne favour, sithence the change of Princes wils (which for the most part are full of fanceis, and so unfaciare) are hardly arrested, who so would this, must only intend the honour and safetie of his Master, and dispoyled of all other respects, transforme himselfe to his inward inclination, work necessitie of employment, by undergoing the offices of most secrecie, either of publike service, or princes pleasures; beat downe he must Competitors of worth by the hand of others, conceale his own greatnesse in publicke, with a fained humilitie, and what in potencie or government he affecteth, to let rather seeme the work of others, than any appetite of his owne.

Now were the raines of rule fitly taken by this advantage, put alone into the hands of the Kings halfe brethren, *Adam*, *Guido*, *Godfrey*, and *William*; himselfe, as before, *ex magna fortuna tantam licentiam usurpans*; for to act his owne part he was ever ready drawen, when hee had such worthy servants, as would often for his honour urge it.

These Ministers (as *Wallingford* terms them) *tanta elati jaetantia, quod nec superiorem sibi intelligunt, nec parem melitis, & molitis adulationibus, animum regis pro libito voluntatis orationis tramite deliniantes*, doe alone their list; they fill up the places of justice and trust with their Country-men, put out the *English*, exact of whom and who they please, waite the treasure and Crownlands on themselves and followers, set prices on all Offices, and raine the Law within the rule of their owne breasts; the usuall reply of their servants to the complaints of the Kings Subjects being: *Quis tibi rectum faciet quod Dominus meus vult, Dominus Rex vult*. These strangers seemed in their lawlesse carriage not to have beene omitted, but to have entered the Land by Conquest: the great they enforced, not to obey, but serve; and the meane to live so, as they might justly say, They had nothing, yet lest the King should heare the grones of his people, and greedinesse of his Ministers, which good and able men would tell him, they bar all ayes, suspition being the best preserver of their owne defects, aimeth at those who have more of vertue than themselves, as fearing them most.

Thus is the capacite of government in a King, when it falleth to be a prey to such lawlesse Minions, the ground of infinite corruption in all the members of the State: all take warrant generally from Princes weaknesse of licentious libertie, and greatnesse makes profit particularly by it; and therefore gives way to encrease ill; to encrease their gaines.

A famine accompanyeth these corruptions, and that so violent, as the King is enforced to direct writs to all Shires, *Ad pauperes mortuos sepeliendos famis*

media deficientes: Famine proceedeth, & *secutus est gladius tam terribilis, ut nemo inermis secure possit per provincias pervagar.* For all the villages of the Kingdome were left a prey to a lawlesse multitude, who, *per divisas partes itinerantes velut per consensum aliorum,* as the Record said, did imply that the factious Lords suspected that the King had given some heart to this commotion. Ambitious Peeres bring ever fuell to popular fires, nor was the Church without a busie part in this tragick work; for *Walter* Bishop of *Winchester*, and *Robert* of *Lincolne*, to *Mountford* and his faction, *præcordialiter adhaerebant*, and were far engaged; in such designes Church-men are never wanting, and the distaffe of present government, as well in Church as in Commonweale, will ever be a knot of strength for such unquiet spirits, who alwayes frame to themselves some other forme than the present, as well in Religion as in temporall estates, being that which with the giddy multitude winneth the best opinion, and did at this time fitly suit the peoples humours, so much distasting the new Courts of the Clergie, their pomp, their greedinesse, and the Popes extortions.

A faire pretext it was to the factious Bishops, to use their bitter pens and speeches so far against some religious Orders, ceremonies, and state of the Church, that one of them incurred the sentence of excommunication at *Rome*, and treason at home: for he enjoined the Earle of *Leicester*, *in remissione peccatorum, ut causam illam* (meaning the rebellion) *usque ad mentem assumerat asserens pacem ecclesie Anglicanae sine gladio materiali nunquam firmare posse*: it was not the best doctrine this man could plant by liberty and war, when the first Church rose by patience and prayer: true piety bindeth a subiect to desire a good Sovereigne with a bended knee, rather in time to desire abatement than to resist Authority: Churchmen therefore ought not alwayes to lead us in the rules of loyalty, but knowledge of our own duty in difficult points of Religion, where an humble ignorance is a secure knowledge we may relie on them. To suppress these troubles, and supply the Kings necessities, a Parliament was called, much to the liking of these Lords, who as little meant to supply the King as he did desire to acquit the State, their ends at this time being onely to open at home the poverty of their Master, to lessen his reputation abroad, and to brave out their own passions freely, which these times of liberty permits, here they began to tell him, he had wronged the Publique in taking to his private election the Justice Chancellour and Treasurer, it should be onely by the common counsell of the Realme, commending the Bishop of *Chichester* for denying the delivery of the great Seal, but in Parliament, where he received it.

They blame him there to have bestowed the best Places of trust and benefit on Strangers, and to leave the *English* unrewarded to have undone the trade of merchandise by bringing in mulds and heavie customes, and to hurt the common liberty by *non obstantes* in his Patents to make good monopolies for private favourites that he had taken from his subjects, *Qui quid habuerunt in osculentis & poculentis rusticorum enim bigas equos viva, victualia ad libitum caput*, that is, Judges were sent in Circuit under the pretext of Justice to fleece the People, *Causis sanctis quaecunque poterant deripuerunt.* And that
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Sir Robert de Purflan had wrong from the borderers of his Forests, under pretence of incroachment or Assarts great summes of money, and therefore they wonder he should demand relief from his so pilled and poled Commons that by these former extremities, *Et per auxilia prius data ita depauperentur ut parum aut nihil habeant in bonis*: advising him withall, that since his needlesse expences *postquam rex regni cepit esse*, were summed up to be by them above 800000 l. it were fitting to pull from his favourites, who had gleaned the treasure of the Kingdom, and shared the old Lands of the Crown, some one of whom the Lords described, to be *Miles literatus*, or *Clericus militaris*, that had in short space, from the inheritance of avarice grown to the possession of an Earldom; and *Mansel* another inferiour Clerke, that rose to depend in annuall revenues 4000. m. whereas more moderate fees would have become a penman no better qualified than with the ordinary fruits of a writing-school, yet told if a moderate supply would suit with his occasions, they were content to performe so far relief in obedience as the desert of his carriage should merit towards them: and so as the Record saith, *Dies data fuit in tres septimanus, ut interius rex excelsus suos corrigeret, & magnates ejus obtemperarent voluntati* at which day upon new grant of the great Charter admittance to his Counsell (some persons elected by the Commons) and promise to relie upon the Natives, and not on strangers, for advice hereafter they spare him such a pittance, as must force him again to their devotion for a new supply.

Thus the Parliaments that were ever before a medicine, to heal up any rupture in the Princes fortunes, are now grown worse than the maladie, since malignant humours began to rule more than well composed tempers. The King by this experience of the intents of his rebellious subjects, finding the want of treasure was the way whereby they enthralled his Majesty, begins to play the good husband, closeth his hand of waste, and resolved himselfe (too late) to stand alone.

Experience is pernicious to the private, and dangerous to the good of the State when it never learns to do but with undoing, and never seeth order but when disorder shewes it; yet still, alas, such was his flexibility, when he came to be pressed by his *French* minions, that he could not hold his hands any longer from their vast desires and endlesse wastes, so that an Authour then living saith it became a by-word, *Our inheritance is converted to strangers, and our houses to aliens*. Followers to a King excessive in gifts, are excessive in demands, and cut them not out by reason but by examples, favours past are not accounted, we love no bounty but what is meer future, the more that a Prince weakeneth himselfe in giving, the poorer he is in friends, for such prodigality in the Sovereigne ever ends in the spoil and rapine of the Subject. Yet before the King could again submit himselfe as he had the last Parliament to so many brave and strict inquirers of his disloyall subjects, he meaneth to passe thorow all the shifts, that extremity of need which greatnessse could lay before him.

He beginneth first with the sale of Lands, and then of Jewels, pawneth *Gascony*, and after his Imperiall Crown, and when he had neither credit to borrow

borrow (having so often failed the trust he had made) nor mortgage of his own, he then layeth to pawn the Jewels of Saint *Edwards* shrine, and in the end not having meanes to defray the debts of Court, was inforced to break up house, and as *Paris* sayeth, with his Queen and Children, *cum abatibus & prioribus humilia satis hospitia quærunt & prandia.*

This low ebbe that again the Kings improvidence had brought him unto gave great assurance to the rebellious Lords that they should now at last have the Sovereigne Power left a prey to their ambitious designs; and to bring it faster on, they desire nothing more than to see the Kings extremity constrain a Parliament, for at such times Princes are ever lesse than they should, Subjects more.

To hasten on the time, and apt the meanes, there are some certain seditious humours that the Kings necessity must repair it selfe upon the fortune, and liberty of the People, that having nothing of his own, he might and meant to take of others, for Kings may not want as long as Subjects have meanes to supply.

This took effect just to their mindes, and wrought a little moving in the State, which doubtless had flamed higher if the King had not assuaged it by Proclamation wherein he declared, *Quod quidem malevoli sinistra prædicantes illi falso suggesserunt illum vel eos indebitè gravari, ac jura & libertates regni subvertere, ut per suggestiones dolosas & omnino falsas eorum corda à sua dilectione & fidelitate averterent.* But desireth then, that *Hujusmodi animorum suorum perturbatoribus ne fidem adhiberent.* For that he was ever ready to defend them from the oppressions of the great Lords, *Et omnia iura & consuetudines eorum debitas bonas & consuetas in omnibus & per omnia plenius observare:* and that they may rest off, that *Secure de voluntate libera literas suas fecit patentes.*

But seeing still that Majesty and Right subsist not without meanes and power, and himself had of neither so much as would stop the present breach in his own wants, or his Subjects loyalties, he flieth to the bosom of his People for relief and counsell, at *Oxford* they met in Parliament, where his necessities met with so many undutifull demands, that he was forced to render up unto rebellious wils, his regall power; here the Commons knowing that *cum eligere inciperent*, they were *loco libertatis*, stood with the king to have the managing of the State, put to the care of 24, whereof 12 by their election, whereto they look strictly, the other by him, who in all things else was left a cypher, and in this, either by Fear or advice, filled up his Number with *Mountford*, *Gloster*, and *Spencer*, which beside the weakning of his own part, won to these his late opposites an opinion of great interest, they had got into his favour. He hath now neither left him election of publike Officer nor private attendance, his halfe brethren and their followers he must dispoil of all fortunes and exile by proscription under his own hand, commanding the proesse *Pro transfestatione fratrum suorum*, to be directed to the Earl of *Hartford* and *Surrey*, and not to passe either money, armes, or ornaments *Nisi in forma quam dicti comites inquirerent*, and after departure enjoined the men of *Bristow* that they should not permit any stranger *Sive propinquos regis applicare in portu*, but so to behave themselves therein that as well the King *quam magnates sui eos merito commendare debeant.* Thus

Thus we see how easily mens estates do change in a moment, and how hard it is to make good use of things ill gotten; and thus changing solid power into the rules of power, and these by popular elections, made the State believe that by this forme of limited policy they had utterly suppressed the minde of mankinde, for ever dreaming upon the imaginary humours of licentious soveraignty.

But it fell out nothing so, for now every man began to estimate his own worth, and to hammer his head upon all designs, that might enlarge his power and command, then began the great men to pull from the body of the countrey and regall soveraignty, such royall suitors as neighboured any of their own seats, whereunto they inforced the service, and as the Record saith, *Ad sectas indebitas & servitutes intolerabiles subditos reges compulerunt.* Thus raising indeed Mannours to become great Honours, and rending asunder the Regall Justice made themselves of so many subjects while they lived in duty, *totidem tyrannos*, as the book of Saint Albans saith, when they had left their loyalty, *Magnas duxerunt magnates regni super subditos regis servitutes & oppressiones*, which they bore patiently, for excesse of misery having no ease but custome, made men willing to lay the foundation of servitude by the length of sufferance, which found no other ease nor end untill the quiet of this Kings Raigne.

Mountford, Gloster, and Spencer, the heads of this rebellious plot, having by the late provision drawn to the hands of their 24 Tribunes of the People, the entire mannaging of the State, and finding this power too much dispersed, to worke the end of their desires, forced again the King at London to call a Parliament, where they delivered over the Authority of the 24. unto themselves, and created a Triumvirat, *Non constituendo resp. causa*: (as they first pretended for their own ends) but to make a speedier way to one of them as it fatally did to become *dictator perpetuus*.

Ambition is never so high but she thinkes still to mount, that station that lately seemed the top is but a step to her now, and what before was great in desiring seemes little now in power.

These three elect new Counsellors, and appoint *quod tres ad minus alternatim semper in curia sint*, to dispose of the custody of Castles, *& de aliis omnibus regni negotiis*. The chief Justice, Chancellor, and Treasurer with all Officers, *maiores & minores*, they reserve themselves the choyce, and bind the King to this hard bargain, upon such strange security, that he is contented under the great Seal, and Oath, to loosen to them the knot of legall duty, whensoever he assumed to himself his regall Dignity. *Liceat omnibus de regno nostro contra nos insurgere, & ad gravamen nostrum opem & operam dare, ac si nobis in nulla tenerentur.*

This progedy of fortune in whom she had set a pitifull example of her inconstancy, finding no part of his Soveraignty left, but the bare title, and that at their leaves beggeth succour of Urban the fourth against his disloyall Subjects: the Pope by Bull cancelleth his Oath and Contract, and armeth him with Excommunications against all those that turne not with speed to their due and old obedience; fithence, promises made by men that cannot say they

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are at liberty are light, and force hath no power to make just interest. These Lords on the other side that had impd their wings with the Eagles feathers, and like no gain, but what was raised out of the ashes of Monarchy made head against their Sovereigne, and to make him the better called in some *French* forces.

Thus the Commonwealth turned again her sword into her own bowels, and invited her ancient enemies to the funerall of her liberty, so that it was not a wonder she did not at this time passe under a foreigne servitude, and though these men were more sensible of their disgrace, than others miseries, yet found they no better pretext for private interest than that of the publike, and therefore at the entry into this war, they cried liberty, although when they came nere to an end, they never spake once of it. At *Lewis* the Armies met where the King endeavoured a reconciliation, but in vain, for perswasions are ever unprofitable, when Justice is inferior to force, the sword decided the difference, and gave the two Kings and their eldest sonnes prisoners.

The person aswell as the regall power being thus in the hands of *Mountford*, and *Gloster*, found neither bond of security, nor expectation of liberty, but what the emulous competition of greatnesse, which now began to break out betwixt these mighty Rivals gave hope of, for *Leister* meaning by in-croaching by his partner to himselfe, the person of the King and his followers the best portion of the Spoil, and to draw more fruit from this advantage, than it should in fellowship yield, dissolved the knot of their amity.

Equall Authority with the same power is ever fatall we see to great actions, for to fit mindes to so equall a temper, that they should not have some motions of dissenting is impossible.

Mountford having thus broke all faith with his confederate, and duty to his Sovereigne, leaves the path of moderation and wisdom to come to the King by that of pride and distrust.

To him he telleth that his aymes and ends had no other object ever, but order of the State and ease of the People, that he did not in this carry affection against duty, but well knew how to rein his desires to his just power, and so no lesse to his Majesties content if he would be ruled, which was to command the Castles and Forts of his now opposites *Gloster* and the rest into his hands, it was hard to this King thus to take a Law from his inferior. But necessity in soveraigne affairs doth often force away all formability, and therefore those poor Princes who now at the victors discretion seemed to have been onely raised to shew the inconstancy of fortune and vanity of man, suted himselfe with incomparable wisdom to the necessity of the time: neither did humility now wrong Majesty, when there was no other meanes to contain spirits so insolent, but dissembling.

He therefore summoneth in his own person the Forts of his fastest friends to yield to his greatest enemies.

These he intreateth in shew to his lodging, but in effect his prison, and saw himselfe forced to arme against his friends, and to receive new Law from him

him to whom he lately thought to give it. Thus *Leister* is become the darling of the common rout, who easily change to every new master; but the better durst not sail along his fortune, by the light of his glory. Chrystall that fairly glistereth doth easily break, and as the assent of usurped Royalty is slippery, so the top is shaking, and the fall fearfull; to hold this man then happy, at the entry of his false felicitie, was but to give the name of the image to the metall that was not yet moulten. For by this the imprisoned Prince was escaped and fast assured of *Gloster*, by the knot of his great minde and discontent, and both with the torne remainder of the royall Army, united, and by speedy march arrived (unlookt for) nere *Eversham*, to the armed troopes of the secure Rebels, whom they instantly assail, for it was no fit season to give time, when no time did assure so much as experience did promise.

Spencer and other Lords of the faction made towards the Prince with the best speed of march, but could not break out, being hurried along the storme of the giddy multitude. Publike affection depends on the conduct of fortune, private on our carriage, we must beware therefore of running down steep hills with weighty bodies: they once in motion, *subferuntur pondere*, steps are then voluntary. *Leister* at that instant with the King, and out of the tempest might have escaped, if his carriage and hope had not made him more resolute by misfortune, so that he could neither forsake his followers nor his ambition. Thus making adversity the exercise of his vertue, ran and fell. Private cogitations make more or lesse of fortune, but thoughts we see once raised to the height of rule, are no more in our own power, having no mean to step upon, between the highest of all and precipitation.

The King by this happy accident freed and obeyed, began to search the ground of his former miseries, and why that vertue and fortune that had settled and maintained so long under his ancestors, the glory of his Empire had cast him in his time off, and conspired with her enemies to her almost ruine, as if the genius of the State had quite forsaken her.

Here he findes his wastfull hands had been too quicke both over the persons and estates of his People, the griping avarice of his civill Magistrates, and lawlesse liberty of his martiall followers, the neglect of grace, and breach of his word, to have left the Nobility at home and necessity, his reputation abroad, making merchandise of peace and war as his last refuge; so leaving his old allies became enforced to betake himselfe to persons doubtfull, or injured, and that by giving over himselfe to a sensuall security, and referring all to base, greedy, and unworthy ministers, whose counsell was ever more subtill than substantiall: he had thrown downe those pillars of soveraignty and safety, reputation abroad, and reverence at home.

He therefore now maketh sweetnesse and clemency the entrance of regained rule, for the faults of most of the Rebels he forgot. A gracious kinde of pardoning, not to take knowledge of offences, others he forgave that they might but live to the glory of his goodnesse, for the fewer killed the more remain to adorne his trophe. Tyrants shed bloud for pleasure, Kings for necessity; yet least his justice and power might so much suffer in his

grace and mercy, some few he punished by small fines, some by banishment as the guiltlesse, yet unpittied sonnes of the arch-traitor. Treason so hatefull is to the head, that it draweth (wee see) the carriage of the innocent children into a lasting suspect, and what is suspition in others is guilt in them.

To the constant followers of his broken fortunes he giveth, but with more wary hand than before the forfeitures of his enemies. Immoderate liberality he had found but a weak meanes to win love, for it left more in the gathering than it gained in the getting, and his bounty bestowed without respect was taken without grace, discredited the receiver, detracted from the judgement of himselfe, blunted the appetites of such as carried their hopes out of vertue and service.

Thus at last he learned that reward and reprehension justly laid do ballance government, and that it much importeth a Prince if the hand be equall that holdeth the scale. In himselfe he reformed the naturall errours of his youth for Princes manners, though a mute Law have more of Life and vigour than those of Letters, and though he did sometimes touch upon the verge of vice he forbore to enter the circle. The Courts wherein at this time the faults of good men did not onely by approbation but imitation receive true comfort and authority, for their crimes were now become examples and customes he purged severely, since from thence proceeds the regular or irregular conditions of the common state. Expence of house service he measured by the just rule of his proper revenues, and was heard often to say that his errors of wast had been the issue of the Subjects blood. The insolency of his Souldiers made lawlesse by the late libertie of civill armes he spendeth in forraigne expeditions, having seen that the quiet spirits underwent all the former calamities, and the others were never satisfied but in the miseries of innocents, and would if they had no other enemy abroad seek out one at home, as they had done before.

The rigor and corruption of these judicall Officers, he examineth and redresseth by strict commission for the seem of their security became a murmur of his own cruelty.

The seates of judgement and councill he filleth up with men nobly borne, for such attract with least offence the generous spirits to respect and reverence, the inabilities he measureth not by the favour of private information as before but generall, for every man may in particular deceive and be deceived, but no one can all, nor all one. And to discover his own capacity now and shew what part he meaneth to leave hereafter in all deliberate expeditions, he sitteth himselfe in councill dayly, and disposeth the affaires of most weight in his own person.

Councillors be they never so wise or worthy, are but as accessaries, not principall in sustentation of the State, their Office must be subjection not fellowship in consultation of moment, ability to advise, not authority to resolve: for as to live the Prince must have a particular soul, so to rule his proper and interne Councill, without the one he cannot demurre truly, without the other he can never securely be a Prince; for it offendeth as well the minister of
merit

merit as the people, to force obedience to one uncapable of his own greatnesse and unworthy of his fortune.

This wonderous change to the generall State so helpleffe lately to recover their former liberty that they fought now for nothing, but the mildest servitude brought them home again to his devotion and their duty.

He that will lay (we see) the foundation of greatnesse upon popular love must give them ease and justice, for they measure the bond of their true obedience by the good alwayes received.

This peace ever after attended his age and house, and he happily lived to fashion his succeffour, and to make him partner of his experience and authority, whose down hard education trained him from that intemperance which makes man inferiour to beasts, and framed him to affect glory and vertue which made him superiour to men. So that all the actions of his future Raigne were exact grounds of discipline and policy, who as he was the first of his name since the Conquest, so was he the first that settled Lawes and State, deserving to wear the stile of *Englands Iustin*, and the proud title to have freed the Crown from the subjection and wardship of his Peeres, shewing himselfe in all his actions ever after capable to command, not the Realme onely, but the whole world. Thus do the wrong of our enemies more than our own discretions, make us sometimes both wise and fortunate.



The Dutie of a KING in his ROYAL OFFICE, Shewing how it is to be used in the administration of Iustice and Politick Government in his Kingdomes.

LIKEWISE DECLARING,

The True Glory of Kings.

The Difference between a King and a Tyrant.

The Authoritie and true use of Parliaments.

The diseases of the Church, and the Remedie.

Generall Advices in behalfe of the Church.

Paritie incompatible with a Monarchie.

Of the Nobilitie and their Formes.

The laudable Customes of England.

Admonition for making Warrs.

The Right Extention of King craft, &c.

Written by the High and Mightie Prince IAMES King of Great Brittain, France and Ireland, Defender of the true, ancient, Catholicke and Apostolicke Faith, &c.

THE State of Monarchie is the supremest thing upon earth. For Kings are not only Gods Lieutenants upon earth, and sit upon Gods throne, but even by God himselfe they are called Gods. There be three principall similitudes that illustrate the state of Monarchie: One taken out of the word of God; and the two other out of the grounds of Policie and Philosophie. In the Scriptures Kings are called Gods, and so their power after a certaine relation compared to the divine power. Kings are also compared to Fathers of families: for a King is truly *Parens patriæ*, the politique Father of his people. And lastly Kings are compared to the head of this Microcosme of the body of man.

Kings are justly called Gods, for that they exercise a manner or resemblance of Divine power upon earth. For if you will consider the Attributes of God, you shall see how they agree in the person of a King. God hath power to create or destroy, make, or unmake at his pleasure, to give life, or send death, to judge all, and not to be judged nor accomptable to none: To raise low things, and to make high things low at his pleasure, and to God are both soule and body due. And the like power have Kings: they make and unmake their subjects: they have power of raising and casting down: of life, and of death: Judges over all their subjects, and in all causes, and yet accomptable to none but God only. They have power to exalt low things, and abase high things, and make of their subjects like men at the Chesse;

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A pawne to take a Bishop or a Knight, and to cry up, or down any of their subjects, as they do their money. And to the King is due both the affection of the soule, and the service of the body of his subjects. And therefore that reverend Bishop here amongst you, though I heare that by divers he was mistaken or not well understood, yet did he preach both learnedly and truly anent this point concerning the power of a King. For what he spake of a Kings power in *Abstracto*, is most true in Divinitie. For to Emperours, or Kings that are Monarches, their Subjects bodies and goods are due for their defence and maintenance. But if I had been in his place, I would only have added two words, which would have cleared all: For after I had told as a Divine, what was due by the Subjects to their Kings in generall, I would then have concluded as an *Englishman*, shewing this people, That as in generall all Subjects were bound to relieve their King; So to exhort them, that as we lived in a settled state of a Kingdome which was governed by his own fundamentall Lawes and Orders, that according thereunto, they were now (being assembled for this purpose in Parliament) to consider how to help such a King as now they had; And that according to the ancient forme, and order established in this kingdome: putting so, a difference between the generall power of a King in Divinity, and the settled and established State of this Crown, and kingdome. And I am sure that the Bishop meant to have done the same, if he had not been straited by time, which in respect of the greatnessse of the presence preaching before me, and such an Auditory, he durst not presume upon.

As for the father of a familie, they had of old under the Law of Nature *Patriam potestatem*, which was *potestatem vitæ & necis*, over their children or familie, (I meane such Fathers of families as were the lineall heires of those families whereof Kings did originally come.) For Kings had their first originall from them, who planted and spread themselves in Colonies through the world. Now a father may dispose of his inheritance to his children, at his pleasure: yea, even disinherit the eldest upon just occasion, and preferre the youngest, according to his liking: make them beggars, or rich at his pleasure: restraine, or banish out of his presence, as he finds them give cause of offence, or restore them in favour againe with the penitent sinner: So may the King deale with his Subjects.

And lastly, as for the head of the naturall body, the head hath the power of directing all the members of the body to that use which the judgement in the head thinkes most convenient. It may apply sharpe cures, or cut off corrupt members, let blood in what proportion it thinkes fit, and as the body may spare, but yet is all this power ordained by God *Ad ædificationem, non ad destructionem*. For although God have power aswell of destruction, as of creation, or maintenance; yet will it not agree with the wisdom of God, to exercise his power in the destruction of nature, and overturning the whole frame of things, since his creatures were made, that his glory might thereby be the better expressed: So were he a foolish father that would disinherit or destroy his children without a cause, or leave off the carefull education of them; And it were

were an idle head that would in place of physicke so poyson or phlebotomize the body as might breede a dangerous distemper or destruction thereof.

But now in these our times we are to distinguish between the state of Kings in their first originall, and between the state of settled Kings and Monarches, that do at this time governe in civill kingdomes. For even as God, during the time of the old Testament, spake by Oracles, and wrought by Miracles; yet how soone it pleased him to settle a Church which was bought, and redeemed by the blood of his only Sonne Christ, then was there a cessation of both; He ever after governing his people and Church within the limits of his revealed Will. So in the first originall of Kings, whereof some had their beginning by Conquest, and some by election of the people, their wills at that time served for Law; Yet how soone kingdomes began to be settled in civillitie and policie, then did Kings set down their mindes by Lawes, which are properly made by the King only: but at the roagation of the people, the Kings graunt being obtained thereunto. And so the King became to be *Lex loquens*, after a sort, binding himselfe by a double oath to the observation of the fundamentall Lawes of his Kingdome: Tacitly, as by being a King, and so bound to protect aswell the people, as the Lawes of his kingdome; And expressly, by his oath at his Coronation: So as every just King in a settled kingdome is bound to observe that paction made to his people by his Lawes, in framing his government agreeable thereunto, according to that paction which God made with *Noe* after the deluge, *Hereafter seede time, and harvest, cold and heate, Sommer and Winter, and day and night shall not cease, so long as the earth remaines.* And therefore a King governing in a settled kingdome, leaves to be a King, and degenerates into a Tyrant, as soone as he leaves off to Rule according to his Lawes. In which case the Kings conscience may speake unto him, as the poore widow said to *Philip of Macedon*; Either governe according to your Law, *Aut ne Rex sis.* And though no Christian man ought to allow any rebellion of people against their Prince, yet doeth God never leave Kings unpunished when they transgresse these Limits: For in that same *Psalme* where God saith to Kings, *Vos Dii estis*, he immediately thereafter concludes, *But ye shall die like men.* The higher we are placed, the greater shall our fall be. *Vt casus, sic dolor*: the taller the trees be, the more in danger of the winde; and the tempest beates forest upon the highest mountaines. Therefore all Kings that are not tyrants, or perjured, will be glad to bound themselves within the limits of their Lawes; and they that perswade them the contrary, are vipers, and pests, both against them, and the Commonwealth. For it is a great difference between a Kings government in a settled State, and what Kings in their originall power might do in *Individuo vago*. As for my part, I thank God, I have ever given good prooffe, that I never had intention to the contrary: And I am sure to go to my grave with that reputation and comfort, that never King was in all his time more carefull to have his Laws duely observed, and himselfe to governe thereafter, then I.

I conclude then this point touching the power of Kings, with this Axiome of Divinity, That as to dispute what God may do, is Blasphemie; but *quid vult Deus*, that Divines may lawfully, and do ordinarily dispute and discusse; for

For to dispute *A Posse ad Esse* is both against Logicke and Divinity : So is it Sedition in Subjects, to dispute what a King may do in the height of his power : But just Kings will ever be willing to declare what they will do, if they will not incurre the curse of God. I will not be content that my power be disputed upon : but I shall ever be willing to make the reason appear of all my doings, and rule my actions according to my Lawes.

A Prince as he is clothed with two callings, so much the more ought he to be carefull of the discharge of them both : that as he is a good Christian, so he ought to be a good King, discharging his Office in the points of Justice and Equitie, which in two fundrie wayes he must do : the one, in establishing and executing (which is the life of the Law) good Lawes among your people : the other, by your behaviour in your own person, and with your servants, to teach your people by your example : for people are naturally inclined to counterfeite (like Apes) their Princes manners, according to the notable saying of *Plato*, expressed by the Poet,

*Componitur orbis
Regis ad exemplum, nec sic inflectere sensus
Humanos edicta valent, quam vita regentis.*

For the part of making, and executing of Lawes, consider first the true difference betwixt a lawfull good King, and an usurping Tyrant, and ye shall the more easily understand your dutie herein : for *contraria juxta se posita magis elucescunt*. The one acknowledgeth himselfe ordained for his people, having received from God a burthen of government whereof he must be countable : the other thinketh his people ordained for him, a prey to his passions and inordinate appetites, as the fruits of his magnanimities. And therefore, as their ends are directly contrary, so are their whole actions, as meanes, whereby they presse to attaine to their ends : A good King, thinking his highest honour to consist in the due discharge of his calling, employeth all his study and paines, to procure and maintaine, by the making and execution of good lawes, the well-fare and peace of his people ; and as their naturall father and kindly master, thinketh his greatest contentment standeth in their prosperity, and his greatest surety in having their hearts, subjecting his own private affections and appetites to the weale and standing of his subjects, ever thinking the common interest his chiefe particular : where by the contrary, an usurping Tyrant, thinking his greatest honour and felicitie to consist in attaining *per fas, vel nefas*, to his ambitious pretenses, thinketh never himselfe sure, but by the dissention and factions among his people, and counterfeiting the Saint while he once creepe in credit, will then (by inverting all good lawes to serve only for his unrulie private affections) frame the Common-weale ever to advance his particular : building his surety upon his peoples miserie : and in the end (as a stepfather and an uncouth hireling) make up his own hand upon the ruines of the Republicke. And according to their actions, so receive they their reward. For a good King (after a happy and famous Reigne) dieth in peace, lamented by his Subjects, and admired by his neighbours ;

neighbours; and leaving a reverent renowne behinde him in earth, obtaineth the crown of eternall felicitie in heaven. And although some of them (which falleth out very rarely) may be cut off by the treason of some unnaturall subjects, yet liveth their fame after them, and some notable plague faileth never to over-take the committers in this life, besides their infamie to all posterities hereafter. Whereby the contrary, a Tyrannes miserable and infamous life, armeth in the end his own subjects to become his burreaux: and although that rebellion be ever unlawfull on their part, yet is the world so wearied of him, that his fall is little meaned by the rest of his subjects, and but smyled at by his neighbours. And besides the infamous memory he leaveth behinde him here, and the endlesse paine he sustaineth hereafter, it oft falleth out, that the committers not only escape unpunished, but farther, the fact will remaine as allowed by the law in divers ages thereafter. It is easie then for you (my Sonne) to make a choice of one of these two sorts of rulers, by following the way of vertue to establish your standing; yea, in case ye fell in the highway, yet should it be with the honourable report, and just regrate of all honest men.

And therefore to returne to my purpose anent the government of Your Subjects, by making and putting good Lawes to execution; I remitte the making of them to your owne discretion, as yee shall finde the necessity of new-rising corruptions to require them: for, *Ex malis moribus bonæ leges natæ sunt*, besides, that in this Country, we have already more good Lawes then are well execute, and am only to insist in your forme of Governement anent their execution. Only remember, that as Parliaments have been ordained for making of Lawes, so yee abuse not their institution, in holding them for any mens particulars. For as a Parliament is the honourablest and highest judgment in the Land (as being the Kings head Court) if it be well used, which is by making of good Lawes in it; so is it the injustest judgment-seat that may be, being abused to mens particulars: irrevocable decreits against particular parties being given therein under colour of generall Lawes, and oftentimes the Estates not knowing themselves whom thereby they hurt. And therefore hold no Parliaments but for necessity of new Lawes, which would be but seldome: for few Lawes and well put in execution, are best in a well ruled Common-weale. As for the matter of fore-faltures, which also are done in Parliament, it is not good tiggling with these things; but my advice is ye fore-fault none but for such odious crimes as they make them unworthy ever to be restored againe. And for smaller offences, yee have other penalties sharpe enough to be used against them.

And as for the execution of good Lawes, whereat I left, remember that among the differences that I put betwixt the formes of the Government of a good King, and a Usurping Tyrant; I shew how a Tryant would enter like a Saint while he found himself fast under-foote, and then would suffer his unruly affections to burst forth. Therefore bee yee contrary at your first entry to Your Kingdome, to that *Quinquennium Neronis*, with his tender hearted wish, *Vellem nescirem literas*, in giving the lawfull execution against all breakers thereof but exception. For since ye came not to your Reigne *precario*, nor by conquest, but by right and due descent; feare no uproares for doing
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of justice since yee may assure your selfe, the most part of Your people will ever naturally favour justice: providing always, that yee doe it only for love to Justice, and not for satisfying any particular passions of yours, under colour thereof; otherwise, how justly that ever the offender deserve it, yee are guilty of murther before God. For yee must consider, that God ever looketh to your inward intention in all your actions.

And when yee have by the severity of justice once settled your Countries, and made them know that ye can strike, then may yee thereafter all the days of your life mixe Justice with Mercy, punishing or sparing, as ye shall finde the crime to have been wilfully or rashly committed, and according to the by-past behaviour of the Committer. For if otherwise ye kyth your Clemency at the first, the offences would soone come to such heapes, and the contempt of you grow so great, that when yee would fall to punish, the number of them to be punished would exceed the innocent; and ye would be troubled to resolve whom-at to begin: and aganist your nature would be compelled then to wracke many, whom the chastisement of few in the beginning might have preserved. But in this, my over-deare bought experience may serve you for a sufficient lesson. For I confesse where I thought (by being gracious at the beginning) to winne all mens hearts to a loving and willing obedience, I by the contrary, found the Disorder of the Country, and the losse of my thanks to be all my reward.

But as this severe justice of yours upon all offences would bee but for a time (as I have already said) so is there some horrible crimes that ye are bound in Conscience never to forgive: such as Witch-craft, wilfull murther, Incest, (especially within the degrees of consanguinity) Sodomy, poysoning, and false coyne. As for offences aganist your owne person and authority, since the fault concerneth your selfe, I remit to your owne choise to punish or pardon therein, as your heart serveth you, and according to the circumstances of the turne and the quality of the committer.

Here would I also eike another crime to be unpardonable, if I should not be thought partiall: but the fatherly love I beare you, will make mee breake the bounds of shame in opening it unto you. It is then, the false and unreverent writing or speaking of malicious men aganist your Parents and Predecessors: ye know the command of Gods Law, *Honour your Father and Mother*: and consequently, sen you are the lawfull Magistrate, suffer not both your Princes and your Parents to be dishonoured by any; especially, sith the example also toucheth your selfe, in leaving thereby to your successors, the measure of that which they shall mette out againe to you in your like behalfe. I grant we have all our faults, which privately betwixt you and God, should serve you for examples to meditate upon, and mend in your person; but should not be a matter of discourse to others whatsoever.

And sith yee are come of as honourable Predecessours as any Prince living, repress the insolence of such, as under pretence to tax a vice in the person, seeks craftily to staine the race, and to steale the affection of the people from their posterity. For how can they love you, that hated them whom of ye are come? Wherefore destroy men innocent young sucking Wolves and

Foxes? but for the hatred they beare to their race: and why will a Colt of a Courser of *Naples*, give a greater price in a market, then an Ass-colt? but for love of the race. It is therefore a thing monstrous, to see a man love the Child, and hate the Parents: As on the other part the infaming and making odious of the Parent, is the readiest way to bring the sonne in contempt.

And for conclusion of this point, I may also alledge my owne experience. For besides the judgments of God, that with my eyes I have seene fall upon all them that were chiefe traytors to my Parents, I may justly affirme; I never found yet a constant byding by me in all my straites, by any that were of perfit age in my parents dayes, but only by such as constantly bode by them. I meane specially by them that served the Queene my Mother: For so that I discharge my conscience to you, my Son, in revealing to you the truth I care not what any traytor or treason-allower think of it.

And although the crime of Oppression be not in this ranke of unpardonable crimes, yet the over common use of it in this nation, as if it were a vertue, especially by the greatest ranke of subjects in the Land, requireth the King to be a sharp censurer thereof. Be diligent to trie, and awfull to beate downe the hornes of proud oppressors; embrace the quarrell of the poore and distressed, as your own particular, thinking it your greatest honour to repress the oppressours: woo for the pleasure of none, neither spare ye any paines in your own person, to see their wrongs redressed: and remember of the honourable stile given to my Grandfather of worthy memory, in being called *the poore mans King*. And as the most part of a Kings Office, standeth in deciding that question of *Meum*, and *Tuum*, among his subjects: so remember when ye sit in judgment, that the Throne ye sit on is Gods, as *Moses* saith, and sway neither to the right hand nor to the left; either loving the rich, or pitying the poore. Iustice should be blinde and friendlesse: it is not there ye should reward your friends, or seeke to crosse your enemies.

Here now speaking of oppressours and of justice, the purpose leadeth me to speak of Hie-land and bordour oppressions. As for the Hielands, I shortly comprehend them all in two sorts of people: the one, that dwelleth in our maine land, that are barbarous for the most part, and yet mixed with some shew of civility: the other that dwelleth in the Iles, and are all utterly barbares, without any sort or shew of civility. For the first sort, put straitly to execution the Laws made already by me against their over Lords, and the chiefs of their Clannes; and it will be no difficulty to danton them. As for the other sort, follow forth the course that I have intended, in planting Colonies among them of answerable Inland subjects, that within short time may reform and civilize the best inclined among them: rooting out or transporting the barbarous and stubborne sort, and planting civility in their roomes.

But as for the Bordours, because I know if ye enjoy not this whole Ile, according to Gods right and your lineall discent, ye will never get leave to brooke this North and barrenest part thereof; no, not your owne head whereon the Crowne should stand; I need not in that case trouble you with them: for then they will be the middest of the Ile, and so as easily ruled as any part thereof.

And

And that ye may the readier with wisdome and justice governe your Subjects, by knowing what vices they are naturally most inclined to, as a good Physician, who must first know what peccant humours his patient naturally is most subject unto, before hee can begin his cure : I shall therefore shortly note unto you, the principall faults that every ranke of the people of this Country is most affected unto. And as for *England*, I will not speake by guesse of them : never having been among them ; although I hope in that God, who ever favoureth the righteous, before I die, to be as well acquainted with their fashions.

As the whole subjects of our Country (by the ancient and fundamentall policie of our Kingdome) are divided into three estates ; so is every estate hereof generally subject to some speciall vices ; which in a manner by long habitude, are thought rather virtue then vice among them : not that every particular man, in any of these rankes of men, is subject unto them ; for there is good and evill of all sorts : but that I meane, I have found by experience, these vices to have taken greatest hold with these rankes of men.

And first, that I prejudge not the Church of her ancient priviledges, reason would she should have the first place, for orders sake, in this Catalogue.

The naturall sicknesses that have ever troubled, and beene the decay of all the Churches, since the beginning of the world, changing the candlestick from one to another, as *Iohn* saith, have beene Pride, Ambition, and Avarice : and now last, the same infirmities wrought the overthrow of the Popish Church, in this country and diuers others. But the reformation of Religion in *Scotland*, being extraordinarie wrought by God, wherein many things were inordinatly done by a popular tumult, and rebellion, of such as blindly were doing the worke of God, but clogged with their owne passions and particular respects, as well appeared by the destruction of our policie ; and not proceeding from the Princes order, as it did in our neighbour countrey of *England*, as likewise in *Denmarke*, and fundrie parts of *Germanie* ; some fiery spirited men in the Ministry, got such a guiding of the people at that time of confusion, as finding the gulse of government sweete, they began to fantasie to themselves, a Democrattick forme of government : and having (by the iniquitie of time) been over-well baited vpon the wracke, first of my Grandmother, and next of my own mother, and after usurping the libertie of the time in my long minoritie, setled themselves so fast upon that imagin'd Democracie, as they fed themselves with the hope to become *Tribuni plebis* : and so in a popolare government by leading the people by the nose, to beare the sway of all the rule. And for this cause, there never rose faction in the time of my minoritie, nor trouble sensyne, but they that were upon that factious part, were ever careful to perswade and allure these unrulie spirits among the Ministrie, to spouse that quarrell as their owne : where-through I was oft-times calumniated in their popolare Sermons, not for any evill or vice in me, but because I was a King ; which they thought the highest evill. And because they were ashamed to professe this quarrell, they were busie to looke narrowly in all my actions ; and I warrant you a moate in my eye, yea a false report was matter enough for them to worke upon : and yet for all their cunning,

ning, whereby they pretended to distinguish the lawfulness of the office from the vice of the person, some of them would some-times snapper out well grossely with the truth of their intentions: informing the people, that all Kings and Princes were naturally enemies to the libertie of the Church, and could neuer patiently beare the yok of Christ: with such sound doctrine fed they their flockes. And because the learned, grave, and honest men of the ministerie, were even ashamed and offended with their temeritie and presumption, preassing by all good meanes by their authoritie and example, to reduce them to a greater moderation; there could be no way found out so meete in their conceit, that were turbulent spirites among them, for maintaining their plottes, as paritie in the Church: whereby the ignorants were emboldened (as bairds) to crie the learned, godlie, and modest out of it: paritie the mother of confusion, and enemy to unitie which is the mother of order. For if by the example thereof, once established in the Ecclesiasticall gouernment, the Politicke and Civill estate should bee drawne to the like, the greates confusion that there-vpon would arise, may easily be discerned. Take heed therefore (my Sonne) to such Puritanes, verie pestes in the Church, and common-weale: whom no deserts can oblige, neither oathes or promises binde; breathing nothing but sedition and calumnies, aspiring with out measure, rayling without reason, and making their owne imaginations (without anie warrant of the word) the square of their conscience I protest before the great God, and since I am here as upon my Testament, it is no place for me to lye in, that ye shall never finde with any Hie-land or border theeves greater ingratitude, and more lies and vile perjuries, then with these phanaticke spirites. And suffer not the principalls of them to brooke your Land, if ye like to sit at rest: except ye would keepe them for trying your patience, as *Socrates* did an evill wife.

And for preservative against their poyson, intertaine and advance the godly, learned, and modest men of the ministry, whom of (God be praised) there lacketh not a sufficient number: and by their provision to Bishopricks and benefices (annulling that vile act of Annexation, if ye finde it not done to your hand) yee shall not onely banish their conceited parity, whereof I have spoken, and their other imaginary grounds; which can neither stand with the order of the Church, nor the peace of the Common-Weale and well ruled Monarchie: but ye shall also re-establish the old institution of three Estates in Parliament, which can no otherwise be done. But in this I hope (if God spare my dayes) to make you a faire entry; alwayes where I leave, follow ye my steps.

And to end my advice anent the Church estate, cherish no man more than a good Pastor, hate no man more than a proud Puritan: thinking it one of your fairest stiles, to be called a loving nourish-Father to the Church; seeing all the Churches within your dominions planted with good Pastors, the Schooles (the Seminary of the Church) maintained, the doctrine and discipline preserved in purity, according to Gods Word, a sufficient provision for their sustentation, a comely ordour in their policy, pride punished, humility advanced, and they so to reverence their superiours, and their flockes
them,

them, as the flourishing of your Church in piety, peace, and learning, may bee one of the chiefe points of your earthly glory : being ever alike at war with both the extremities ; as well as ye repress the vaine Puritan, so not to suffer proud papall Bishops : but as some for their qualities will deserve to bee preferred before others, so chaine them with such bonds as may preserve that estate from creeping to corruption.

The next estate now that by order commeth in purpose, according to their ranks in *Parliament*, is the Nobility, although second in ranke, yet over-far first in greatnesse and power, either to doe good or evill, as they are inclined.

The naturall sicknesse, that I have perceived this estate subject to in my time, hath been, affectlesse arrogant conceit of their greatnesse and power : drinking in with their very nourish-milke, that their honor stood in committing three points of iniquity : to thrall, by oppression, the meaner sort that dwelleth neare them, to their service and following, although they hold nothing of them : to maintaine their servants and dependers in any wrong, although they be not answerable to the laws (for any body will maintaine his man in a right cause) and for any displeasure, that they apprehend to be done unto them by their neighbour, to take up a plaine feide against him ; and (without respect of God, King, or Common-weale) to bang it out bravely, he and all his kinne, against him and all his : yea they will thinke the King farre in their common, in case they agree to grant an assurance to a short day, for keeping of the peace : where, by their naturall duty, they are obliged to obey the Law, and keepe the peace all the dayes of their life, upon the perill of their very craigges.

For remedy to these evils in their estate, teach your Nobility to keepe your lawes as precisely as the meanest : feare not their carping or being discontented, as long as ye rule well ; for their pretended reformation of Princes taketh never effect, but where evill government precedeth. Acquaint your selfe so with all the honest men of your Barrones and Gentlemen, and be in your giving access so open and affable to every ranke of honest persons, as may make them parte without scarring at you, to make their own suites to you themselves, and not to employ the great Lords their intercessours ; for intercession to Saints is papistry : so shall ye bring to a measure their monstrous backes. And for their barbarous feides, put the Lawes in due execution made by me there-ament, beginning ever rather at him that yee love best, and is most obliged unto you ; to make him an example to the rest. For ye shall make all your reformations to begin at your elbow, and so by degrees to flow to the extremities of the land. And rest not, untill ye roote out these barbarous feides, that their effects may be as well smoared downe, as their barbarous name is unknowne to any other Nation. For if this treatise were written either in *French* or *Latine*, I could not get them named unto you but by circumlocution. And for your easier abolishing of them, put sharply to execution my Lawes made against guns and Trayterous Pistolets ; thinking in your heart, tearing in your speech, and using by your punishments, all such as weare and use them, as brigands and cut-throates.

On the other part, eschew the other extremitie, in lightlying and contemning your Nobility. Remember how that error brake the King my Grandfathers heart. But consider that vertue followeth oftest Noble blood: the worthienesse of their antecessours craveth a reverent regard to be had unto them: honour them therefore that are obedient to the Law among them, as Peeres and Fathers of your Land: the more frequently that your Court can be garnished with them, thinke it the more your honour; acquainting and employing them in all your greatest affaires; sen it is they must be your armes and executers of your Lawes: and so use your selfe lovingly to the obedient, and rigorously to the stubborne, as may make the greatest of them to thinke that the chiefeest point of their honour, standeth in striving with the meanest of the land in Humility towards you, and obedience to your Lawes: beating ever in their eares, that one of the principall points of service that ye crave of them, is, in their persons to practise, and by their power to procure due Obedience to the law; without the which, no service they can make, can be agreeable vnto you.

But the greatest hinderance to the execution of our lawes in this Country, are these heritable Sherifdomes and Regalities, which being in the hands of the great men, doe wracke the whole Country. For which I know no present remedy, but by taking the sharper account of them in their Offices; using all punishment against the slothfull, that the Law will permit: and ever as they vaike, for any offences committed by them, dispoone them never heritable againe: preassing, with time, to draw it to the laudable custome of *England*: which ye may the easier doe, being King of both, as I hope in God ye shall.

And as to the third and last estate, which is our Burghes (for the small Barrones are but an inferiour part of the Nobility and of their estate) they are composed of two sorts of men; Merchants and crafts men: either of these sorts being subject to their owne infirmities.

The Merchants thinke the whole Common-weale ordained for making them up; and accounting it their lawfull gaine and trade, to enrich themselves upon the losse of all the rest of the people, they transport from us things necessarie; bringing back sometimes unnecessarie things, and at other times nothing at all. They buy for us the worst wares, and sell them at the dearest prices: and albeit the victualls fall or rise of their prices according to the abundance or scantnesse thereof; yet the prices of their wares ever rise, but never fall: being as constant in that their evill custome, as if it were a settled Law for them. They are also the speciall cause of the corruption of the coyne, transporting all our own, and bringing in forraine, upon what price they please to set on it. For order putting to them, put the good lawes in execution that are alreadye made anent these abuses: but especially doe three things. Establish honest, diligent, but few searchers; for many hands make flight work; and have an honest and diligent Treasurer to take count of them. Permit and allure forraine Merchants to trade here: so shall ye have best and best cheape wares, not buying them at the third hand. And set every yeare down a certaine price of all things; considering first, how it is in other Countries;

tries: and the price being set reasonably downe, if the Merchants will not bring them home on the price, cry forrainers free to bring them. And because I have made mention here of the coyne, make your mony of fine gold and silver; causing the people be played with substance, and not abused with number: so shall ye enrich the Common-weale, and have a great Treasure laid up in store, if ye fall in wars or in any straits. For the making it baser will breed your commoditie; but it is not to be used, but as at great necessity.

And the Craftsmen thinke, we should be content with their work, how bad and deere so ever it be: and if they in any thing be controlled, up goeth the blew blanket. But for their part take example by *England*, how it hath flourished both in wealth and policie, since the strangers Craftsmen came in among them. Therefore not only permit, but allure strangers to come here also: taking as strait order for repressing the mutining of ours at them, as was done in *England* at their first in bringing there. But unto one fault, is all the common people of this kingdom subject, as well burgh as land; which is, to judge and speak rashly of their Prince: setting the Common-weale upon foure props, as wee call it; ever wearying of the present estate, and desirous of novelties. For remedie whereof (besides the execution of lawes that are to be used against unreverent speakers) I know no better meane, then so to rule, as may justly stop their mouths, from all such idle and unreverent speeches: and so to prop the weale of Your people, with provident care for their good government: that justly, *Momus* himselfe may have no ground to grudge at: and yet so to temper and mixe your severitie with mildnesse, that as the unjust railers may be restrained with a reverent awe; so the good and loving subjects, may not only live in suretie and wealth, but be stirred up and invited by your benigne curtesies, to open their mouthes in the just praise of your so well moderated regiment. In respect whereof, and therewith also the more to allure them to a common amitie among themselves, certain dayes in the yeare would be appointed, for delighting the people with publike spectacles of honest games, and exercise of arms: as also for convening of neighbours, for entertaining friendship and heartlines, by honest feasting and merrines. For I cannot see what greater superstition can be in making playes and lawfull games in May, and good cheere at Christmasse, then in eating fish in Lent, and upon Fridayes; the Papists as well using the one as the other: so that alwayes the Sabbath be kept holy, and no unlawfull pastime be used. And as this forme of contenting the peoples minds, hath bin used in all well governed Republicks: so will it make you to perform in your government that old good sentence,

Omne tulit punctum, qui miscuit utile dulci.

Ye see now (my Son) how for the zeale I beare to acquaint you with the plain and single verity of all things, I have not spared to be something satyricke, in touching well quickly the faults in all the estates of my Kingdom. But I protest before God, I do it with the fatherly love that I owe to them all: only hating their vices, whereof there is a good number of honest men free in every state. And because, for the better reformation of all these abuses
among

among your estates, it will be a great help unto you, to be well acquainted with the nature and humours of all your subjects, and to know particularly the estate of every part of your dominions; I would therefore counsell you once in the yeare to visit the principall parts of the Country, ye shall be in for the time; and because, I hope ye shall be King of more Countries than this; once in the 3. yeares to visit all Your kingdomes: not depending on Vice-royes, but hearing your selfe their complaints; and having ordinary counsels and justice-seats in every kingdome of their own Country-men; and the principall matters ever to be decided by your selfe when ye come in those parts. Ye have also to consider, that ye must not only be carefull to keep your Subjects, from receiving any wrong of others within; but also ye must be carefull to keep them from the wrong of any forraine Prince without: sen the sword is given you by God, not only to revenge upon your own Subjects, the wrongs committed among themselves; but further, to revenge and free them of forraine injuries done unto them. And therefore wars upon just quarrels are lawfull: but above all, let not the wrong cause be on your side.

Use all other Princes, as your brethren, honestly and kindly: Keep precisely your promise unto them, although to your hurt: Strive with every one of them in courtesie and thankfulness: and as with all men, so especially with them, be plain and truth-full; keeping ever that Christian rule, *to doe as ye would be done to*: especially in counting rebellion against any other Prince, a crime against your own selfe, because of the preparative. Supply not therefore, nor trust not other Princes Rebels; but pitie and succour all lawfull Princes in their troubles. But if any of them will not abstaine, notwithstanding whatsoever your good deserts, to wrong you or your subjects, crave redress at leasure; heare and doe all reason: and if no offer that is lawfull or honourable can make him to abstain; nor repair his wrong doing; for the last refuge, commit the justnes of your cause to God; giving first honestly up with him, and in a publike and honourable forme. But omitting now to teach you the form of making warr, because that art is largely treated of by many, and is better learned by practise then speculation; I will only set downe to you here a few precepts therein. Let first the justnesse of your cause be your greatest strength; and then omit not to use all lawfull means for backing of the same. Consult therefore with no Necromancier nor false Prophet upon the successe of your wars: remembring K. Sauls miserable end: but keep your land cleane of all South-Sayers, according to the command in the law of God, dilated by *Ieremie*. Neither commit your quarrell to be tried by a Duell: for besides that generally all Duells appeareth to be unlawfull, committing the quarrell as it were, to a lot; whereof there is no warrant in the Scripture, since the abrogating of the old law: it is specially most unlawfull in the person of a King who being a publike person, hath no power therefore to dispose of himselfe, in respect, that to his preservation or fall, the safety or wrack of the whole common-weale is necessarily coupled, as the body is to the head.

Before

Before yee take on war, play the wise Kings part described by Christ; foreseeing how ye may beare it out with all necessarie provision: especially remember, that mony is *Nervus belli*. Choose old experimented Captaines, and young able Souldiers. Be extreamely strait and severe in martiall Discipline, as well for keeping of order, which is as requisite as hardinesse in the wars, and punishing of sloath, which at a time may put the whole Armie in hazard; as likewise for repressing of mutinies which in Wars are wonderfull dangerous. And looke to the *Spaniard*, whose great successe in all his wars, hath onely come through straitnesse of Discipline and order: for such errours may be committed in the wars, as cannot be gotten mended againe.

Be in your owne person walkrife, diligent, and painefull; using the advice of such as are skilfullest in the craft, as ye must also doe in all other. Be homely with your Souldiers as your companions, for winning their hearts, and extreamely liberall, for then is no time of sparing. Be cold and foreseeing in devising, constant in your resolutions, and forward and quick in your executions. Fortifie well your camp, and assaile not rashly without an advantage: neither feare not lightly your enemy. Be curious in devising Stratagems, but alwayes honestly: for of any thing they work greatest effects in the wars, if secrecy be joyned to invention. And once or twice in your owne person hazard your selfe fairely; but, having acquired so the fame of courage and magnanimity, make not a daily Souldier of your selfe, exposing rashly your person to every perill: but conserve your selfe thereafter for the Weale of your People; for whose sake ye must more care for your selfe, then for your own. And as I have counselled you to be slow in taking on a War; so advise I you to be slow in peace making. Before ye agree, looke that the ground of your Wars be satisfied in your peace; and that ye see a good surety for you and your people: otherwayes, a just and honourable War is more tolerable, then a dishonourable and disadvantageous peace.

But it is not enough to a good King, by the Scepter of good lawes well executed to governe, and by force of Armes to protect his people; if he joyn not therewith his vertuous life in his owne person, and in the person of His Court and company: by good example alluring his Subjects to the love of vertue, and hatred of vice.

And therefore (my Sonne) sith all people are naturally inclined to follow their Princes example (as I shewed you before) let it not be said, that ye command others to keep the contrary course to that, which in your own person yee practise: making so your words and deeds to fight together: but by the contrarie, let your own life be a law-booke and a mirour to your people; that therein they may read the practise of their owne lawes; and therein they may see by your Image, what life they should leade. And this example in your own life and person, I likewise divide in two parts: The first, in the government of Your Court and followers, in all godlinesse and vertue: the next, in having your own minde decked and enriched so with all vertuous qualities, that there-with yee may worthily rule your people. For it is not enough that ye have and retaine (as prisoners) within your selfe never so many good qualities and vertues, except ye imploy them, and set

them on work for the weale of them that are committed to your charge:
Virtutis enim laus omnis in actione consistit.

First then, as to the government of your Court and followers; King David sets down the best precepts, that any wise and Christian King can practise in that point. For as ye ought to have a great care for the ruling well of all your subjects: so ought ye to have a double care for the ruling well of your own servants; since unto them ye are both a Politick and Oeconomick Governour. And as every one of the people will delight to follow the example of any of the Courteours, as well in evill as in good: so what crime so horrible can there be committed and over-seen in a Courteour, that will not be an examplare excuse for any other boldly to commit the like? And therefore in two points have yee to take good heed, anent your Court and household; First, in choosing them wisely: next, in carefully ruling them whom yee have chosen.

It is an old and true saying, that a kindly Awer will never become a good horse: for albeit good education and companie be great helps to Nature, and education be therefore most justly called *altera natura*: yet is it evill to get out of the flesh, that is bred in the bone, as the old Proverbe saith. Be very warie than in making choice of your servants and companie;—*Nam Turpius ejicitur, quam non admittitur hospes*: and many respects may lawfully let an admission, that will not be sufficient causes of deprivation.

All your servants and Court must be composed partly of minors, such as young Lords, to be brought up in your companie, or Pages and such like, and partly men of perfite age, for serving you in such roomes, ought to be filled with men of wisdom and discretion. For the first sort, yee can do no more, but choose them within age, that are come of a good and virtuous kinde, *In fide parentum*, as Baptisme is used. For though *anima non venit ex traduce*, but is immediately created by God, and infused from above: yet it is most certaine, that virtue or vice will oftentimes, with the heritage, be transferred from the Parents to the posteritie, and runne on a blood (as the Proverbe is) the sickness of the mind becoming as kindly to some races, as these sicknesses of the body, that infects in the feede. Especially choose such minors, as are come of a true and honest race, and have not had the House whereof they are descended, infected with falsehood.

And as for the other sort of your company and servants, that ought to be of perfect age: first, see that they be of good fame, and without blemish: otherwise, what can the people think, but that ye have chosen a companie unto you, according to your owne humour, and so have preferred these men, for the love of their vices and crimes, that ye knew them to be guiltie of? For the People that see you not within, cannot judge of you, but according to the outward appearance of your actions and companie; which only is subject to their sight. And next, see that they be indued with such honest qualities, as are meete for such offices, as yee ordaine them to serve in; that so your judgment may be known in employing every man according to his gifts. And shortly, follow good King Davids counsell in the choice of your servants, by setting your eyes upon the faithful and upright of the land to dwell with you. But

But heere I must not forget to remember, and according to my fatherly authoritie, to charge you to preferre specially to your service, so many as have truely served me, and are able for it: the rest, honourably to reward them, perfering their posteritie before others, as kindest: so shall ye not only be best served, (for if the haters of your parents cannot love you, as I shewed before, it followeth of necessitie their lovers must love you) but further, ye shall kyth your thankfull memorie of your father, and procure the blessing of these old servants, in not missing their old master in you, which otherwayes would be turned in a prayer for me, and a curse for you. Use them therefore when God shall call me, as the testimonies of your affection towards me: trusting and advancing those farthest, whom I found faithfull: which ye must not discern by their rewards at my hand (for rewards as they are called *Bona fortuna*, so are they subject unto fortune) but according to the trust I gave them; having oftentimes had better heart then hap to the rewarding of sundry. And on the other part, as I wish you to kyth your constant love towards them that I loved; so desire I you to kyth in the same measure, your constant hatred to them that I hated: I meane, bring not home, nor restore not such as yee finde standing banished or fore-faulted by me. The contrary would kyth in you over great contempt of me, and lightnesse in your own nature: for how can they be true to the Sonne, that were false to the Father?

But to return to the purpose anent the choice of your servants, ye shall by this wise forme of doing, eschew the inconvenients, that in my minoritie I fell in, anent the choice of my servants. For by them that had the Command where I was brought up, were my servants put unto me; not choosing them that were meetest to serve me, but whom they thought meetest to serve their turne about me; as kythed well in many of them at the first rebellion raised against me: which compelled me to make a great alteration among my servants. And yet the example of that corruption, made mee to be long troubled there-after with solliciters, recommending servants unto me more for serving in effect, their friends that put them in, then their master that admitted them. Let my example then teach you to follow the rules heere set down: choosing your servants for your owne use, and not for the use of others. And since yee must be *communis parens* to all your people, so choose your servants indifferently out of all quarters; not respecting other mens appetites, but their own qualities. For as ye must command all, so reason would, ye should be served out of all, as he please to make choice.

But specially take good heed to the choice of your servants, that ye preferre to the offices of the Crown and estate: for in other offices ye have only to take heede to your owne weale; but these concern likewise the weale of your people; for the which ye must be answerable of God. Choose then for all these offices, men of known wisdom, honestie, and good conscience; well practised in the points of the craft that ye ordaine them for; and free of all factions and partialities: but specially free of that filthy vice of flattery, the pest of all Princes, and wrack of Republickes. For since in the first

part of this Treatise, I for-warned you to bewarre with your own inward flatterer *Φιλαντία*, how much more should ye be warre with outward flatterers, who are nothing so sib to you, as your self is; by the selling of such counterfeit wares, only preassing to ground their greatnesse upon your ruines? And therefore be carefull to preferre none, as ye will be answerable to God, but only for their worthinesse. But specially choose honest, diligent, meane, but responsall men, to be your Receivers in Money-matters: meane I say, that ye may when ye please, take a sharpe account of their intromission, without perill of their breeding any trouble to your estate: for this over-sight hath been the greatest cause of my mis-thriving in Money matters. Especially, put never a forrainer, in any principall office of estate: for that will never faile to stirre up sedition and envie in the country-mens hearts, both against you and him. But (as I said before) if God provide you with more countries then this, choose the borne-men of every countrie, to be your chiefe counsellors therein.

And for conclusion of my advice anent the choice of your servants, delight to be served with men of the noblest blood that may be had: for besides that their service shall breede you good-will and least envie, contrarie to that of start-ups, ye shall oft finde vertue follow noble races, as I have said before speaking of the Nobilitie.

Now, as to the other point, anent your governing of your servants when ye have chosen them; make your Court and companie to be a paterne of Godlinesse and all honest vertues, to all the rest of the people. Be a daily watch-man over your servants, that they obey your laws preciselie: for how can your laws be kept in the countrie, if they be broken at your eare? Punishing the breach thereof in a Courtier, more severely, then in the person of anie other of your Subjects: and above all, suffer none of them (by abusing their credite with you) to oppresse or wronge anie of your Subjects. Be homelie or strange with them, as ye think their behaviour deserveth, and their nature may beare with. Thinke a quarrellous man a pest in your companie. Be carefull ever to preferre the gentlest natured and trustiest, to the inwardest offices about you; especially in your chamber. Suffer none about you to meddle in any mens particulars; but like the *Turkes Ianissares*, let them know no Father but you, nor particulars but yours. And if any will meddle in their kin or friends quarrells, give them their leave: for since ye must be of no surname nor kinne, but equall to all honest men; it becometh you not to be followed with partiall or factious servants. Teach obedience to your servants, and not to thinke themselves overwise: and, as when any of them deserveth it, ye must not spare to put them away; so, without a seen cause change none of them. Pay them, as all other your subjects, with *pre-mium* or *pæna*, as they deserve; which is the very ground stone of good government. Employ every man as ye think him qualified, but use not one in all things, least he wax proud, and be envied by his fellowes. Love them best, that are plainnest with you, and disguise not the truth for all their kinne: suffer none to be evill tongued, nor backbiters of them they hate: command a hartly and brotherlie love among all them that serve you. And
shortlie,

shortlie, maintaine peace in your Court, bannish envie, cherish modestie, bannish deboshed insolence, foster humilitie, and repressse pride: setting down such a comelie and honourable order in all the points of your service; that when strangers shall visit your Court, they may with the Queen of *Sheba*, admire your wisdom in the glorie of your house and comelie order among your servants.

But the principall blessing that ye can get of good companie, will stand in your marrying a godly and virtuous wife: for shee must be nearer unto you, then anie companie, being *Flesh of your flesh, and bone of your bone*, as *Adam* said of *Hevab*. And because I know not but God may call me, before ye be readie for marriage; I will shortlie set down to you here my advice therein.

First of all consider, that marriage is the greatest earthly felicitie or miserie, that can come to a man, according as it pleaseth God to blesse or curse the same. Since then without the blessing of God, ye cannot look for a happy successe in marriage; ye must be carefull both in your preparation for it, and in the choice and usage of your wife, to procure the same. By your preparation, I meane, that ye must keepe your bodie cleane and unpolluted, till ye give it to your wife; whom to onlie it belongeth. For how can he justlie crave to be joynd with a pure Virgine, if your body be polluted? Why should the one half be cleane, and the other defiled? And although I know, Fornication is thought but a light and veniall sin, by the most part of the world; yet remember well what I said to you in my first book anent conscience: and count every sinne and breach of Gods Law, not according as the vaine world esteemeth of it; but as God the judge and maker of the Law accounteth of the same. Heare God commanding by the mouth of *Paul*, to *abstaine from Fornication*, declaring that the *Fornicator shall not inherite the Kingdome of Heaven*: and by the mouth of *John*, reckoning out Fornication amongst other grievous finnes, that debarres the committers amongst *Dogges and Swine, from entrie in that spirituall and heavenly Jerusalem*. And consider, if a man shall once take upon him, to count that light, which God calleth heavie; and veniall that, which God calleth grievous; beginning first to measure any one sinne by the rule of his lust and appetites, and not of his conscience; what shall let him to do so with the next, that his affections shall stirre him to, the like reason serving for all: and so to go forward till he place his whole corrupted affections in Gods roome? And then what shall come of him; but, as a man given over to his own filthie affections, shall perish into them? And because we are all of that nature, that sibbest examples touches us neere, consider the difference of successe that God granted in the Marriages of the King my grand-father, and me your owne father: the reward of his incontinencie (proceeding from his evill education) being the suddaine death at one time, of two pleasant young Princes; and a daughter only borne to succede to him, whom he had never the hap, so much as once to see or blesse before his death: leaving a double curse behind him to the land, both a woman of sexe, and a new borne babe of age to raigne over them. And as for the blessing God hath bestowed on me, in graunting me both a greater continencie, and the fruits following thereupon; your selfe, and sib folkes to you, are (praise be to God) sufficient witnesses: which,

I hope

I hope the same God of his infinite mercy, shall continue and increase, without repentance to me and my posteritie. Be not ashamed then, to keepe cleane your body, which is the Temple of the holy Spirit, notwithstanding all vaine allurements to the contrary: discerning truly and wisely of every vertue and vice, according to the true qualities thereof, and not according to the vaine conceits of men.

As for your choice in Marriage, respect chiefly the three causes, wherefore Marriage was first ordained by God: and then join three accessories, so farre as they may be obtained not derogating to the principalls.

The three causes it was ordained for, are, for staying of lust, for procreation of children, and that man should by his wife get a helper like himself. Defer not then to marrie till your age; for it is ordained for quenching the lust of your youth. Especially a King must tymously marrie for the weale of his people. Neither marrie ye, for any accessorie cause or worldly respects, a woman un-able, either through age, nature, or accident, for procreation of children, for in a King that were a double fault, as well against his own weale, as against the weale of his people. Neither also marrie one of known evill conditions, or vicious education: for the woman is ordained to be a helper and not a hinderer to man.

The three accessories, which (as I have said) ought also to be respected, without derogating to the principall causes, are beautie, riches, and friendship by alliance, which are all blessings of God. For beautie encreaseth your love to your wife, contenting you the better with her, without caring for others: and riches and great alliance, do both make her the abler to be a helper to you. But if, over great respect being had to these accessories, the principall causes be over seen (which is over oft practised in the world) as of themselves they are blessings being well used: so the abuse of them will turn them into a curse. For what can all these worldly respects avale, when a man shall find himself coupled with a Divell, to be one flesh with him, and the half marrow in his bed? Then (though too late) shall he find that beautie without bountie, wealth without wisdom, and great friendship without grace and honesty, are but faire shewes, and the deceitfull masques of infinite miseries.

But have ye respect, my Sonne, to these three speciall causes in your Marriage, which flow from the first institution thereof, *Et cætera omnia adjiciuntur vobis*. And therefore I would rathest have you to marrie one that were fully of your own Religion; her ranke and other qualities being agreeable to your estate. For although that to my great regrave, the number of any Princes of Power and account, professing our religion, be but very small; and that therefore this advice seemes to be more strait and difficult: yet ye have deeply to weigh and consider upon these doubts, how ye and your wife can be of one flesh, and keep unitie betwixt you, being members of two opposite Churches: disagreement in Religion bringeth ever with it, disagreement in manners; and the dissention betwixt your Preachers and hers, will breed and foster a dissention among your subjects, taking their example from your familie; besides the perill of the evill education of your children. Neither
pride

pride you that ye will be able to frame and make her as ye please: that deceived *Salomon* the wisest King that ever was: the grace of perseverance not being a flower that groweth in our garden.

Remember also that marriage is one of the greatest actions that a man doth in all his time especiallie in taking of his first wife: and if he marrie first baselie beneath his ranke, he will ever be the lesse accounted of thereafter. And lastlie, remember to choose your wife as I advised you to chuse your servant: that she be of a whole and cleane race, not subject to the hereditarie sicknesses, either of the soule or the body. For if a man will be carefull to breed horses and dogs of good kinds how much more careful should he be for the breed of his own loines? So shall ye in your marriage have respect to your conscience, honour, and naturall weale in your successours.

When ye are married, keepe inviolable your promise made to God in your marriage; which standeth all in doing of one thing, and abstaining from another: to treat her in all things as your wife and the halfe of your selfe; and to make your bodie (which then is yours, but properlie hers) common with none other. I trust I neede not to insift here to dissuade you from the filthie vice of Adulterie: remember only what solemn promise ye make to God at your marriage: and since it is onlie by the force of that promise that your children succede to you, which otherwaies they could not do; equitie and reason would, ye should keep your part thereof, God is ever a severe avenger of all perjuries; and it is no oath made in jest, that giveth power to children to succeed to great Kingdomes. Have the King my Grand-fathers example before your eyes, who by his adulterie, bred the wreck of his lawfull daughter and heire; in begetting that bastard, who unnaturallie rebelled and procured the ruine of his own Sovereigne and Sister. And what good her posterity hath gotten sen-syne, of some of that unlawful generation. *Botbuell* his treacherous attempts can bear witnesse. Keep precisely then your promise made at marriage, as ye would wish to be partaker of the blessing therein.

And for your behavioir to your wife, the Scripture can best give you counsel therein. Treate her as your owne flesh, command her as her Lord, cherish her as your helper, rule her as your pupill, and please her in all things reasonable; but teach her not to be curious in things that belongs her not. Ye are the head, she is your bodie: It is your Office to command, and hers to obey; but yet with such a sweet harmonie, as she should be as readie to obey, as ye to commande, as willing to follow, as ye to go before: your love being wholly knit unto her, and all her affections lovinglie bent to follow your will.

And to conclude, keep speciallie three rules with your wife: first, suffer her never to meddle with the politick government of the Common-weale, but hold her at the OEconomick rule of the house; and yet all to be subject to your direction: keepe carefullie good and chaste companie about her; for women are the frailest sexe: and be never both angrie at once; but when ye see her in passion, ye should with reason danton yours. For both when ye are settled, ye are meekest to judge of her errors; and when she is come to her

her self, she may be best made to apprehend her offence, and reverence your rebuke.

If God send you succession, be carefull for their vertuous education: love them as ye ought, but let them know as much of it, as the gentlenesse of their nature will deserve; containing them ever in a reverent love and fear of you. And in case it please God to provide you to all these three kingdomes, make your eldest sonne *Isaac*, leaving him all your kingdomes; and provide the rest with private possessions. Otherwaies by dividing your kingdomes, ye shall leave the seede of division and discorde among your posteritie: as befell to this ile, by the division and assignment thereof, to the three sonnes of *Brutus*, *Lochrine*, *Albanact*, and *Camber*. But if God give you not succession, defraud never the nearest by right, whatsoever conceit ye have of the person. For kingdomes are ever at Gods disposition, and in that case we are but live-rentars, lying no more in the Kings, nor peoples hand to dispossesse the righteous heir.

And as your companie should be a paterne to the rest of the people, so should your person be a lampe and mirrour to your companie: giving light to your servants to walke in the path of vertue, and representing unto them such worthie qualities, as they should preasse to imitate.

I need not to trouble you with the particular discourse of the four Cardinall vertues, it is so troden a path: but I will shortly say unto you, make one of them, which is Temperance, Queene of all the rest within you. I meane not by the vulgar interpretation of Temperance, which only consists in *gustu* & *tactu*, by the moderating of these two senses: but I meane of that wise moderation, that first commanding your selfe, shall as a Queen, command all the affections and passions of your minde; and, as a Physicion, wisely mixe all your actions according thereto. Therefore, not only in all your affections and passions, but even in your most vertuous actions, make ever moderation to be the chiefe ruler. For although holinesse be the first and most requisite qualitie of a Christian, as proceeding from a feeling feare and true knowledge of God: yet ye remember how in the conclusion of my first booke, I advised you to moderate all your outward actions flowing there-fra. The like say I now of Justice, which is the greatest vertue, that properly belongeth to a Kings office.

Use Justice, but with such modration, as it turne not in Tyrannie: otherwaies *summum jus*, is *summa injuria*. As for example: if a man of a known honest life, be invaded by brigands or theeves for his purse, and in his owne defence slaie one of them, they being both more in number, and also known to be deboshed and insolent livers; whereby the contrarie, he was single alone, being a man of sounde reputation: yet because they were not at the horne, or there was no eye-witnesse present that could verifie their first invading of him; shall he therefore lose his Head? And likewise, by the law-burrowes in our Lawes, Men are prohibited under great pecuniall paines, from anie waies invading or molesting their neighbours person or bounds: if then his horse breake the halter, and pastor in his neighbours medow, shall he pay two or three thousand pounds for the wantonnesse of his horse, or the
weaknesse

weaknesse of his halter? Surelie no. For Lawes are ordained as rules of virtuous and sociall living, and not to be snares to trap your good subjects: and therefore the Law must be interpreted according to the meaning, and not to the literall sense thereof: *Nam ratio est anima legis.*

And as I said of Justice, so say I of Clemencie, Magnanimitie, Liberalitie, Constancie, Humilitie, and all other Princelie vertues; *Nam in medio stat virtus.* And it is but the craft of the Divell that falselie coloureth the two vices that are on either side thereof, with the borrowed titles of it, albeit in verie deed they have no affinitie therewith: and the two extremities themselves, although they seeme contrarie, yet growing to the height, runnes ever both in one. For *in infinitis omnia concurrunt*; and what difference is betwixt extreame tyrannie, delighting to destroy all mankinde; and extreame slacknesse of punishment, permitting every man to tyrannize over his companion? Or what differeth extreame prodigalitie, by wasting of all to possesse nothing; from extreame niggardlinesse, by hoarding up all to enjoy nothing; like the Ass that carrying victuals on her back, is like to starve for hunger, and will be glad of Thistles for her part? And what is betwixt the pride of a glorious *Nebuchadnezzar*, and the preposterous humilitie of one of the proud Puritans, claiming to their parity, and crying, *We are all but vile Wormes*; and yet will judge and give Law to their King, but will be judged nor controlled by none? Surely, there is more Pride under such a ones black Bonnet, then under *Alexander* the great his Diademe, as was said of *Diogenes* in the like case.

But above all vertues study to know well your own craft, which is to rule your people. And when I say this, I bid you know all crafts. For except yee know every one, how can yee controle every one, which is your proper office? Therefore besides your education, it is necessary ye delight in reading, and seeking the Knowledge of all lawfull things; but with these two restrictions: first, that ye choose idle houres for it, not interrupting therewith the discharge of your Office: and next, that ye studie not for knowledge nakedly; but that your principall end be, to make you able thereby to use your Office; practising according to your knowledge in all points of your calling: Not like these vaine Astrologians, that study night and day on the course of the stars, only that they may, for satisfying their Curiositie, know their course. But since all Arts and Sciences are linked every one with other, their greatest principles agreeing in one (which moved the Poets to faine the Nine Muses to be all sisters) studie them, that out of their harmony, ye may sucke the knowledge of all faculties; and consequently be on the counsell of all crafts, that ye may be able to containe them all in order, as I have already said. For knowledge and learning is a light burthen, the weight whereof will never presse your shoulders.

First of all then, studie to be well seene in the Scriptures, as I remembred you in the first book; as well for the Knowledge of your own Salvation, as that ye may be able to containe your Church in their calling, as *Custos utriusque Tabulae*. For the ruling them well, is no small point of your office; taking special heed, that they vague not from their text in the Pulpit: and

if ever ye would have peace in Your land, suffer them not to meddle in that place with the estate or policy: but punish severely the first that presumeth to it. Do nothing towards them without a good ground and warrant; but reason not much with them: for I have, overmuch surfeited them with that, and it is not their fashion to yeeld. And suffer no conventions nor meetings among Church-men, but by your knowledge and permission.

Next the Scriptures, studie well your own lawes: for how can yee discern by the thing ye know not? But presse to draw all your laws and processes, to bee as short and plain as ye can: assure your selfe the long-somnesse both of rights and processes, breedeth their un-sure loosenesse and obscurity: the shortest being ever both the surest and plainest forme: and the long-somnesse serving only for the enriching of the Advocates and Clerkes, with the spoile of the whole Country. And therefore delight to haunt your Session, and spie carefully their proceedings; taking good heed, if any bribery may be tried among them; which cannot over-severely be punished. Spare not to goe there, for gracing that far any that ye favour, by your presence to procure them expedition of justice: although that should be specially done, for the poore that cannot waite on, or are debarred by mighty parties. But when ye are there, remember the throne is Gods and not yours, that ye sit in, and let no favour, nor whatsoever respects move you from the right. Ye sit not there, as I shewed before, for rewarding of friends or servants; nor for crossing of contemners, but only for doing justice. Learn also wisely to discern, betwixt justice and equity; and for pitie of the poor, rob not the rich, because he may better spare it; but give the little man the larger Coat if it be his: eschewing the error of young *Cyrus* therein. For justice, by the law, giveth every man his owne; and equity in things arbitrall, giveth every one that which is meetest for him. Be an ordinary fitter in Your secret Counsell: that judicature is only ordained for matters of estate, and repressing of insolent oppressions. Make that judgment as compendious and plaine as ye can; and suffer no Advocates to be heard there with their dilatours, but let every party tell his own tale himselfe: and weary not to heare the complaints of the oppressed, *aut ne Rex sis*. Remit every thing to the ordinary judicature, for eschewing of confusion: but let it be your own craft, to take a sharp account of every man in his office. And next the lawes, I would have you to be well versed in authenticke histories, and in the Chronicles of all Nations; but specially in our own histories (*Ne sis peregrinus domi*) the example whereof most neerely concerns you. I meane not of such infamous invectives, as *Buchanans* or *Knoxes* Chronicles: and if any of these infamous Libels remaine untill your dayes, use the Law upon the keepers thereof. For in that point I would have you a Pythagorist, to think that the very spirits of these archibellouses of rebellion, have made transition in them that hoards their books, or maintaines their opinions; punishing them, even as it were their Authors risen again. But by reading of authentick histories and Chronicles, ye shall learne experience by Theoricke, applying the by-past things to the present estate, *quia nihil novum sub sole*: such is the continuall volubility of things earthly, according to the roundnesse of the world, and revolution.

tion of the heavenly circles: which is expressed by the wheelles in *Ezechiels* visions, and counterfeited by the Poets in *rota Fortune*. And likewise by the knowledge of histories, ye shall know how to behave your selfe to all Embassadours and strangers; being able to discourse with them upon the estate of their owne country.

And among all prophane histories, I must not omit most specially to recommend unto you, the Commentaries of *Cesar*, both for the sweet flowing of the stile, as also for the worthinesse of the matter it selfe. For I have ever bin of that opinion, that of all the Ethnick Emperours, or great Captaines that ever was, he hath farthest excelled, both in his practise, and in his præcepts in martiall affaires. As for the study of other liberall arts and sciences, I would have you reasonably versed in them, but not preassing to be a passe-master in any of them: for that cannot but distract you from the points of your calling, as I shewed you before: and when, by the enemy winning the Towne, ye shal be interrupted in your demonstration, as *Archimedes* was; your people (I think) will look very bluntly upon it. I grant it is meet ye have some entrance, specially in the Mathematicks; for the knowledge of the art military, in situation of Campes, ordering of battels, making Fortifications, placing of the batteries, or such like. And let not this your knowledge be dead without fruits, as *S. Iames* speaketh of Faith: but let it appeare in your daily conservation, and in all the actions of your life.

Embrace true Magnanimity, not in being vindictive, which the corrupted judgments of the world thinks to be true Magnanimity; but by the contrary, in thinking your offender not worthy of your wrath, empyring over your own passion, and triumphing in the commanding your selfe to forgive: husbanding the effects of your courage and wrath, to be rightly employed upon repelling of injuries within, by revenge taking upon the oppressours, and in revenging injuries without, by just wars upon forraine enemies. And so, where ye finde a notable injury, spare not to give course to the torrents of your wrath. *The wrath of a King, is like to the roaring of a Lion*. Foster true humility, in bannishing pride, not only towards God (considering ye differ not in stufte, but in use, and that only by his Ordinance, from the basest of your people) but also towards your Parents. And if it fall out that my Wife shall out live me as ever ye think to purchase my blessing, honour Your Mother: set *Beerseba* in a throne on your right hand: offend her for nothing, much lesse wrong her: remember her, — *Quæ longa decem tulerit fastidia menses*; and that your flesh and bloud is made of hers: and begin not like the young Lords and Lairds, your first wars upon your Mother; but presse earnestly to deserve her blessing. Neither deceive your selfe with many that say, they care not for their Parents curse, so they deserve it not. O invert not the order of nature, by judging your superiours, chiefly in your owne particular! But assure your selfe, the blessing or curse of the Parents, hath almost ever a prophetick power joyned with it: and if there were no more, honour your Parents, for the lengthning of your own dayes, as God in his Law promiseth. Honour also them that are *in loco Parentum* unto you, such

as your Governours, up-bringers, and Præceptours: be thankfull unto them and reward them, which is your duty and honour.

But on the other part, let not this true humility stay your high indignation to appeare, when any great oppressours shall presume to come in your presence; then frowne as ye ought. And in-case they use a colour of Law in oppressing their poor ones, as over-many do; that which ye cannot mend by Law, mend by the with-drawing of your countenance from them: and once in the yeare crosse them, when their erands come in your way, recompensing the oppressour, according to Christs parable of the two debtours. Keep true Constancy, not only in your kindnesse towards honest men; but being also *invicti animi* against all adversities: not with that Stoicke insensible stupidity, where with many in our dayes, pressing to win honour, in imitating that ancient sect, by their inconstant behaviour in their own lives, belyes their profession. But although ye are not a stocke not to feel calamities; yet let not the feeling of them, so over-rule and doazen your reason, as may stay you from taking and using the best resolution for remedy, that can be found out.

Use true Liberality in rewarding the good, and bestowing frankly for your honour and weale: but with that proportionall discretion, that every man may be served according to his measure: wherein respect must be had to his ranke, deserts, and necessity. And provide how to have, but cast not away without cause. In speciall empaire not by your Liberality the ordinary rents of your Crown; whereby the estate Royall of you, and your successours, must be maintained, *ne exhaustas fontem liberalitatis*: for that would ever be kept *sacrosanctum & extra commercium*: otherwayes, your Liberality would decline to prodigality, in helping others with your and your successours hurt. And above all, enrich not your selfe with exactions upon your subjects; but think the riches of your people your best treasure, by the sins of offenders, where no prevention can availe, making justly your commoditie. And in case necessity of Wars, or other extraordinaries compell you to lift Subsidies, do it as rarely as ye can: employing it only to the use it was ordained for; and using your selfe in that case, as *fidus depositarius* to Your people. And principally, exercise true wisdom; in discerning wisely betwixt true and false reports: First, considering the nature of the person reporter: next, what intresse he can have in the weale or evill of him, of whom he maketh the report: thirdly, the likely-hood of the purpose it selfe; and last, the nature and by-past life of the dilated person: and where ye finde a tratler, away with him. And although it be true, that a Prince can never without secrecy doe great things, yet it is better oft-times to try reports, then by credulity to foster suspition upon a honest man. For since suspition is the Tyrants sicknesse, as the fruits of an evill Conscience, *potius in alteram partem peccato*: I meane, in not mistrusting one, whom-to no such un-honesty was knowne before. But as for such as have slipped before former experience may justly breed prevention by fore-sight.

And to conclude my advice anent your behaviour in your person; consider that God is the author of all virtue, having imprinted in mens mindes
by

by the very light of nature, the love of all morall vertues; as was seen by the vertuous lives of the old *Romans*: and presse then to shine as far before your people in all vertue and honesty; as in greatnesse of ranke: that the use thereof in all your actions, may turne, with time to a naturall habitude in you; and as by their hearing of your Lawes, so by their sight of your person, both their eyes and their eares, may leade and allure them to the love of vertue, and hatred of vice.

The PRINCE, or MAXIMS of STATE.

Written by Sir WALTER RAWLEY, and presented to
Prince *HENRY*.

Sapere & Silere.

The CONTENTS.

OF Government.

Of Policy.

Of Monarchy.

Of Aristocracy, or Senatory State.

Of Free State, or popular State.

Of Tyranny.

Of Olygarchy, or the Government of a few.

Of a Common-wealth.

Of causes of States, and Common-wealths in generall.

Of founding a State.

Of causes preserving a State or Common-wealth.

Of Mysteries or Sophismes.

Of Axioms or rules of preserving a State.

Rules for preserving of a Kingdome, Hereditary, or Conquered.

Kingdomes hereditary are preserved at home by the ordering of a Prince.

Kingdomes new gotten, or purchased by force, are preserved by 10 Rules.

Rules politique of Tyrants.

Sophismes of a barbarous and professed tyranny.

Sophismes of the sophisticall, or subtill tyrant to bould up his State.

Of preservation of an Aristocracy.

Of preservation of an Olygarchy, by Sophismes, or Rules.

Of

Of conversion of States in generall.

Causes of conversions of States are of two sorts: Generall and Particular.

Particular causes of Conversion of State, are of two sorts.

Of sedition.

Causes of sedition are of two sorts.

Of alteration without violence.

A Method, how to make use of the booke before, in the reading of story.

Old age is not ever unfit for publique Government.

Example of the like practise in Charles the fift.

Of observation for the Affirmative and the Negative.

Of defence of David in marrying Abishag.

Politick Nobility.

Of Adoniah aspiring to the Kingdome.

Observations.

Of wayes of such as aspire to the Kingdome, and markes to discerne them.

OF GOVERNMENT.

Government is of two sorts. 1. *Private* of himselfe. *Sobriety*. Of his Family; called *Economy*.
2. *Publique* of the Common-wealth, called *Policy*. A man must first governe himselfe, ere he be fit to governe a Family: And his Family, ere hee bee fit to beare the Government in the Common-wealth.

Of Policy.

Policy is an Art of Government of a Common-wealth, and some part of it according to that State, or forme of Government wherein it is settled for the publique good.

State, is the frame or set order of a Common-wealth, or of the Governours that rule the same, specially of the chiefe and Sovereigne Governour that commands the rest.

The State or Sovereignty consisteth in 5. points.

1. Making or annulling of Lawes. 2. Creating and deposing of Magistrates. 3. Power over life and death. 4. Making of Warre, or Peace. 5. Highest or last appeale. Where these 5. are, either in one or in more, there is the State.

These 5. points of State rest either in; 1. One Monarchy or Kingdome. 2. Some few chiefe of men for vertue and wisedome, called an *Aristocracy*. 3. Many, called a *Free State* or a *Popular State*. These three sorts of Government

vernment have respect to the Common good, and therefore are Iust and Law-
full States.

These 3. degenerate into 3. other Governments.

1. *Monarchy.* 2. *Aristocracy.* 3. *Popular Estate.*

Into 1. *Tyranny.* 2. *Oligarchy,* or Government of a few, rich or able.
3. *Common-wealth* or Government of all the common and baser sort, and
therefore called a Common-wealth, by an Usurped Nick name.

These all respect their owne, and not the publique good, and therefore are
called Bastard Governments.

1. *Monarchy.*

A *Monarchy,* or Kingdome, is the Government of a State by one head,
or Chiefe, tending to the Common benefit of all.

Monarchies or *Kingdomes* are of 3. sorts touching the right or possession of
them; viz.

1. *Hereditary,* by discent, as the *English, French, &c.*

2. *Elective,* by suffrage of the other Orders, or some of them, as the *Polonian.*

3. *Mixt,* or of both kinds; viz. by Discent yet not tyed to the next of
bloud, as the ancient *Iewish State.*

Monarchies are of 2. sorts touching their power or authority; viz.

1. *Intire.* Where the whole power of ordering all State matters, both in
peace and warre, doth by law and custome appertaine to the Prince, as in
the *English Kingdome,* where the Prince hath power to make Lawes, League
and Warre, to create Magistrates; To pardon life: Of appeale, &c. Though
to give a contentment to the other degrees, they have a suffrage in making
Lawes; yet ever subject to the Princes pleasure, nor negative will.

2. *Limited,* or *restrained* that hath no full power in all the points or matters
of State, as the *Military King* that hath not the Sovereignty in time of peace,
as the making of Lawes, &c. But in Warre onely as the *Polonian Kings.*

2. *Aristocracy or Senatory State.*

A *N Aristocracy* is the Government of a Common-wealth by some com-
petent number of the better sort, preferred for wisedome and other
vertues for the publique good.

Aristocracies are of 3. sorts, viz. where the *Senators* are chosen, for 1. *Ver-
tue, Riches,* and the Common good, as the *Venetian.*

2. *Vertue* and the publique good without respect of wealth, as sometimes
the *Roman* when some of the *Senators,* were fetched from the plough, and
some from the Schooles.

3. *Vertue* and Wealth, more respecting their private, then the publique
good which inclineth towards an *Oligarchy,* or the Government of the Richer
or Nobler sort, as in *Rome* towards the end.

3. *Free*

3. *Free State or Popular State.*

THe *Popular State* is the Government of a *State* by the Choiser sort of people, tending to the publique good of all sorts; viz. with due respect of the better, nobler, and richer sort.

In every *Iust State*, some part of the Government is, or ought to bee imparted to the people; As in a Kingdome, a voice or suffrage in making Lawes; and sometimes also, in levying of Armes (if the charge bee great, and the Prince forced to borrow helpe of his Subjects) the matter rightly may bee propounded to a Parliament, that the tax may seeme to have proceeded from themselves. So consultations, and some proceedings in Judiciall matters may in part bee referred to them. The reason, least seeing themselves to be in no number, nor of reckoning, they mislike the state or kind of Government: And where the Multitude is discontented, there must needs bee many Enemies to the present state. For which cause, Tyrants (which allow the people, no manner of dealing in State matters) are forced to be-reave them of their wits and weapons, and all other meanes, whereby they may resist, or amend themselves, as in *Russheland, Turkey, &c.*

4. *Tyranny.*

A *Tyranny* is the swarving, or distorting of a *Monarchy*, or the Government of one tending not to the publique good, but the private benefit of himselfe, and his followers. As in the *Russe* and *Turkish* Government, where the State and Wealth of other orders are employed onely to the upholding of the greatnesse of the King, or Emperour. This is the worst of all the Bastard States, because it is the perverting of the best Regiment, to wit, of a *Monarchy*, which resembleth the Sovereaigne Government of God himselfe.

5. *Oligarchy, or the Government of a few.*

AN *Oligarchy* is the swarving, or the corruption of an *Aristocracy*; or the Government of some few that are of the Wealthier or Nobler sort, without any respect of the publique good. The chiefe end of these Governours is their owne greatnesse and enriching. And therefore their manner is to prepare fit meanes to uphold their Estates. This State is not wholly so bad, as is the *Tyranny*, and yet worfe then the Common-wealth, because it respecteth the good of a few.

6. *Common-wealth.*

A *Common-wealth* is the swarving or depravation of a *Free* or *Popular State*, or the Government of the whole Multitude of the base and poorer sort, without respect of the other orders.

These

These two *States*, to wit; The *Oligarchy* and *Common-wealth*, are very adverse the one to the other, and have many bickerings and dissensions betweene them. For that the Richer or Nobler sort suppose a right of superiority to appertain unto them in every respect, because they are superior, but in some respects onely, to wit, in riches, birth, parentage, &c. On the other side, the Common people suppose, there ought to be an equality in all other things, and some State matters; because they are equall with the rich or noble, touching their *Liberty*, whereas indeed neither the one nor the other are simply equall or superiour as touching Government and fitness thereunto, because they are such, to wit, because they are Rich, Noble, Free, &c. But because they are wise, vertuous valiant, &c. and so have fit parts to governe a State.

These severall States are sometimes mixed and inter-wrought one with the other, yet ever so, as that the one hath the preheminent predomination over the other, as in the humours and complexions of the body. So in the *Roman* State, the people had their *Plæbiscita*, and gave the suffrage in the election of Magistrates: Yet the Senate (as the State stood) for the most part swayd the State, and bare the chiefe rule. So in the *Venetian* State, the Duke seemeth to represent a Monarch, and the Senate to bee his Councell: Yet the Duke hath no power in State matters, but is like a head set on by art that beareth no braine. And so that State is Senatoricall or Aristocraticall.

Causes of States and Common-wealths in generall.

Causes of States or of Common-wealths are of 3. sorts, viz.

1. Founding or setting a State were to bee considered.
2. Preserving a State.
3. Changing and altering a State.

1. *Measure.* 2. *Parts* and their *Qualities*.

Founding a State.

In founding a State are to bee considered 2. things. 1. *Proportion.* 2. *Parts.*

P*roportion* is a Just Measure or Mediocrity of the State, whereby it is framed and kept in that order, as that neither it exceed nor bee defective in this kind; to wit, so that a Monarch bee not too Monarchicall, nor strict, or absolute, as the *Russe* Kings; nor Aristocraticall, that is overmated or eclipsed by the Nobility, as the *Scottish* Kingdom; but ever respective to the other degrees. That an Aristocracy bee not too magnificent nor intire to it selfe, but communicate with the people some commodities of State or Government, as the *Venetian*, and sometimes the *Roman* allowed the people to elect certaine Magistrates out of themselves, to have a Tribune, to make *Plæbiscita* &c. So a *free State* or *Common-wealth* that it bee not over popular, viz. That it depreesse not too much the richer, wiser, nor learned sort; but admit them to offices with a *Caution* out of the rules and misteries of that State. The reason, because the moderate States in their severall kinds (as all other things that observe the meane) are best framed for their continuance,

because they give lesse cause of grudge, envy, and affecting the wealth, honour, and liberty which they see in others, that governe the *State*; And so are lesse subject to stirres, and commotions, and easiest kept in their present *State* wherein they are set.

Parts.

THE *Parts* of the *State*, or those *Magistrates* that beare place or sway in the publique Government.

Parts or *Partakers* of publique Government, are, 1. *Counsell* or *Senate*, which consulteth of all matters pertaining to Warre and Peace, *Magistrates*, &c. in admitting of whom there ought to bee a more speciall care that they bee men expert in matter of Policy, because it is their trade and vocation, as men use to choose Pilots and Masters of shippes such as know the Art of Navigation, and not Husbandmen &c. And so the contrary.

2. *Magistrates* and *Officers* which are to bee executioners of that which is consulted and found to bee expedient for the Common-wealth, wherein are to bee observed the kinds of *Magistrates*, that they bee such as fit that kind of Government; The time of their continuance, and the manner of their election or appointing, by whom, out of whom, and in what manner they be chosen.

3. *Judges*; To determine in civill and criminall matters, where are to bee observed, out of whom they are to bee chosen; what kinds are necessary, and the manner of Judgement and Judiciall Proceeding.

In *Magistrates* are to be observed, 1. *Kindes* of *Magistrates*, as 1. *Civill*. 2. *Ecclesiasticall*. 1. *Superiour*, which are to be such and of that kind as agree with the *State*; as *Consuls* for a yeare, and not perpetuall *Dictatours* in a *Senatory State*. *Prætors* and *Censors* that oversee manners and orders of the people.

For a Kingdome *Lieutenants* of Shires, *Marshals*, *Masters* of Horse, *Admirals*, &c.

Inferiour, as *Conservatours* of Peace, *Constables*, &c.

Overseers of Youth, that take care of their education for civill and warlike exercise.

Clarkes of the Market that provide for the quantity and prize of victualls.

Ediles for Buildings, Streets, Bounds.

Quæstours or *Treasurours* to keepe and dispenche the publique treasury.

Actuaries or *Recorders*, which keepe the publique records.

Gaolers, to keepe Prisons, and Prisoners.

Surveyours of Woods and Fields, &c.

2. *Ecclesiasticall*. As *Bishops*, or *Pastours*, *Elders*, *Wardens*.

2. *Time* of *Magistrates*, whereof some are perpetuall, some for a time, viz. for more yeares; a yeare, halfe a yeare, according to the necessity of the Common-wealth, and not perpetuall; or at least not hereditary in a Kingdome. Yearely in an *Aristocracy*, or halfe yearely in a *free State*.

3. *Manner* of choise, by whom and how to bee chosen, where especially they are to bee chosen by suffrage, and not by Lot.

Causes

Causes preserving a State or Common-wealth.

In preserving of *States*, two things required. 1. *Mysteries* or *Sophismes*.
 1. *Generall* to all *States*. 2. *Particular* for every severall *State*.
 2. *Rules* or *Actions*. 1. *Generall* for all *States*. 2. *Particular* for every *State*.

Mysteries or *Sophismes*.

Mysteries or *Sophismes* of *State*, are certaine secret practizes, either for the avoiding of danger; or averting such effects as tend to the preservation of the present *State*, as it is set or founded.

State Mysteries are of 2. sorts. 1. *Generall*: That pertaine to all *States*; as first, to provide by all meanes, that the same degree or part of the Common-wealth doe not exceed both in quantity and quality. In quantity, as that the number of the Nobility, or of great persons, be not more then the *State* or Common-wealth can beare. In quality, as that none grow in wealth, liberty, honours, &c. more then that is meet for that degree; For as in weights, the heavier weights beare downe the Skale: So in Common-wealths, that part or degree that excelleth the rest in Quality and Quantity, overwayeth the rest after it, whereof follow alterations and conversions of *State*. Secondly, to provide by all meanes, that the middle sort of people exceed both the extreames (*viz.*) of *Nobility* and *Gentry*, and the Base, Rascall and beggerly sort. For this maketh the *State* constant and firme, when both the Extreames are tied together by a middle sort, as it were with a band, as for any conspiracy of the rich and beggerly sort together, it is not to bee feared. To these two points, the Particular *Rules* or *Sophismes* of every Common-wealth are to bee applied.

2. *Particular*: That serve for preservation of every Common-wealth in that forme of *State*, wherein it is settled in a Kingdome. That the *Nobility* may bee accustomed to beare the Government of the *Prince*, especially such as have their dwelling in remote places from the *Princes* eye, it is expedient to call them up at certaine times to the *Princes* Court under pretence of doing them honour, or being desirous to see and enjoy their presence; and to have their children, especially their eldest, to bee attendant upon the *Prince*, as of speciall favour towards them and theirs, that so they may bee trained up in duty and obedience towards the *Prince*, and bee as *Hostages* for the good behaviour and faithfull dealing of their Parents, especially if they bee of any suspected note. To that end, serves the *Persian* practize in having a band or traine of the *Satrapas* children; and other Nobles to attend the Court which was well imitated by our traine of *Henchmen*, if they were of the Noble sort. Again, sometimes to borrow smale summes of his Subjects, and to pay them againe, that hee may after borrow greater summes and never pay: So in an *Oligarchy*, least it decline to a Popular *State*, they deceive the people with this and the like *Sophismes* (*viz.*) They compell their owne sort, to wit, the rich men by great penalties to frequent their assemblies for choosing of *Magistrates*,

for provision of Armour, warlike Exercise, making an Execution of lawes, &c. By that meanes seeming to beare a hard hand over the richer; but to suffer the poorer and meaner sort to bee absent, and to neglect those assemblies under pretence, that they will not draw them from their businesse and private earnings: Yet withall to cite thither some few of them, (*viz.*) so many as are easily over-matched by the richer sort, to make a shew, that they would have the people, or poorer sort partakers likewise of those matters, yet terrifying those that come to their Assemblies with the tediousnesse of consultations, greatnesse of fines, if they should misdoo. To the end to make them unwilling to come againe, or to have to doe with those consultations; by which meanes the Richer sort doe still governe the State with the peoples liking and good contentment.

Axioms.

Axioms or *Rules* of preserving the State, are 1. *Generall*, that serve for all Common-wealths. 2. *Particular*, that serve for every severall State.

Generall Rules.

1. **T**He first and principall Rule of Policy to bee observed in all States is to professe, and practize, and maintaine the true worship and religion of Almighty God, prescribed unto us in his word, which is the chiefe end of all Government. The *Axiom*, that God bee obeyed simply without exception, though hee command that which seemeth unreasonable, and absurd to humane Policy, as in the *Iewes* Common-wealth, That all the men should repaire yearely to one place to worship God four times, leaving none to defend their coast; though being beset with many Enemies. Not to sow the seventh yeare, but to suffer the ground to rest untill without respect or fear of famine, &c.

2. To avoid the causes of conversions, whereby States are overthrowne that are set downe in the title of conversions; For that Common-wealths, (as naturall bodies) are preserved by avoiding that which hurteth the health and State thereof, and are so cured by contrary Medicines.

3. To take heed, that no Magistrate bee created or continued contrary to the Lawes and Policy of that State. As that in a Senate, there bee not created a perpetuall *Dictator*, as *Cæsar* in *Rome*. In a Kingdome, that there bee no Senate or convention of equall power with the Prince, in State matters, as in *Poland*.

4. To create such Magistrates as love the State as it is settled, and take heed of the contrary practize, as to advance Popular persons in a Kingdome, or Aristocracy. And secondly, to advance such as have skill to discern what doth preserve, and what hurteth or altereth the present State.

5. To that end to have certaine Officers to pry abroad, and to observe such as doe not live and behave themselves in fit sort, agreeable to the present State;

State; but desire rather to bee under some other forme or kind of Government.

6. To take heed that Magistracies bee not sold for money, nor bribe in their Offices, which is specially to bee observed in that Common-wealth which is governed by a few of the Richer sort: For if the Magistrate gaine nothing but his CommonFees, the Common sort and such as want honour take in good part, that they bee not preferred, and are glad rather that themselves are suffered to intend private businesse. But if the Magistrate buy and sell matters, the Common people are doubly grieved, both because they are debarred of those preferments and of that gaine which they see to grow by them, which is the cause that the *Germane Oligarchies* continue so firme, for both they suffer the poorer sort to grow into wealth, and the Richer sort are by that meanes freed, and secured from being under the poore.

7. To take heed that the State as it is settled and maintained bee not over strict, nor exceed in his kind; (*viz.*) That a Kingdome be not too Monarchicall; Nor a Popular State bee too Popular: For which cause it is good, that the Magistrates sometimes yeeld of his right touching honour, and behave themselves familiarly with those that are equall unto them in other parts, though inferiour for place and office. And sometimes popularly with the Common people, which is the cause that some Common-wealths, though they bee very simply and unskilfully set; yet continue firme, because the Magistrates behave themselves wisely, and with due respect towards the rest that are without honour: And therefore, some kind of Moderate popularity, is to bee used in every Common-wealth.

8. To take heed of small beginnings, and to meet with them even at the first, as well touching the breaking and altering of Lawes, as of other Rules which concerne the continuance of every severall State. For the disease and alteration of a Common-wealth doth not happen all at once but grows by degrees, which every Common wit cannot discern, but men expert in Policy.

9. To provide, that that part bee ever the greater in number and power which favours the State, as now it stands. This is to bee observed as a very Oracle in all Common-wealths.

10. To observe a meane in all the degrees, and to suffer no part to exceed, or decay overmuch. As first for preferments, to provide that they bee rather small and short, then great and long: And if any bee growne to overmuch greatnesse, to withdraw or diminish some part of his honour. Where the *Sophismes* are to be practized, (*viz.*) to doe it by parts and degrees; to doe it by occasion or colour of Law, and not all at once. And if that way serve not, to advance some other, of whose vertue and faithfulness, wee are fully assured; to as high a degree, or to greater honour: and to be the friends and followers of him that excelleth, above that which is meet. As touching wealth, to provide, that those of the middle sort (as before was said) bee more in number; and if any grow high, and overcharged with wealth, to use the *Sophismes* of a Popular State; (*viz.*) to send him on Embassages, and forraine Negotiations, or employ him in some office that hath

hath great charges and litle honour, &c. To which end the *Edileship* served in some Common-wealths.

11. To suppress the factions and quarrels of the Nobles, and to keepe other that are yet free from joyning with them in their partakings and factions.

12. To encrease or remit the Common taxes and contributions, according to the wealth, or want of the people and Common-wealth. If the people bee increased in wealth, the taxes and subsidies may bee increased. If they bee poore, and their wealth diminish, specially by dearth, want of traffique, &c. to forbear taxes and impositions, or to take litle. Otherwise grudge and discontentments must needs follow. The *Sophismes* that serve for impositions are these, and other of like sort, to pretend businesse of great charge as Warre, building of Ships, making of Havens, Castles, Fortifications, &c. for the Common defence; sometimes by Lotteries and like devises wherein some part may bee bestowed, the rest reserved for other expences; but Princely dealing needs no pretences.

13. To provide that the Discipline and training of youth of the better sort bee such as agreeth with that Common-wealth: As that in a Kingdome, the Sonnes of Noble-men to bee attendant at the Court that they may bee accustomed to obedience towards the Prince: In the Senatory State, that the Sonnes of the Senatours bee not idly, nor over daintily brought up, but well instructed and trained up in learning tongues and Martiall exercise; that they may bee able to beare that place in the Common-wealth, which their Father held, and contrary wise in a Popular State.

14. To take heed, least their *Sophismes*, or secret practizes for the continuance of that State bee not discovered, least by that meanes they refuse and disappoint themselves, but wisely used and with great secrecie.

Particular Rules.

Rules and Axiomes for preserving of a Kingdome, Hereditary, or Conquered.

Kingdomes Hereditary are perserved at home by the ordering.

1. **H** *Imselfe*; (*viz.*) By the tempering and moderation of the Princes power, and prerogative. For the lesse and more temperate, their power and state is; the more firme, and stable is their Kingdome and Government, because they seeme to be further off from a Master-like and Tyrannicall Empire; and lesse unequall condition to the next degree; to wit, the Nobility, and so lesse subject to grudge and envy.

2. *Nobility*; (*viz.*) By keeping that degree and due proportion, that neither they exceed not in number more then the Realme or State can beare, as the *Scottish* Kingdome, and sometime the *English*, when the Realme was overcharged with the numbers of Dukes, Earles, and other Nobles; whereby the Authority of the Prince was ecclipsed, and the Realme troubled with their factions and ambitions. Nor that any one excell in honour, power or wealth,

wealth, as that hee resemble another King within the Kingdome; as the House of *Lancaster* within this Realme. To that end not to load any with too much honour or preferment, because it is hard even for the best and worthiest Men to beare their greatnesse and high fortune temperately, as appeareth by infinite examples in all States. The *Sophismes* for preventing or reforming this inconvenience, are to bee used with great caution and wisdom. If any great person bee to bee abated, not to deale with him by calumniation, or forged matter, and so to cut him off without desert, especially if hee bee gracious among the people after the *Mackivilian* policy, which besides the Injustice, is an occasion many times of greater danger toward the Prince. Nor to withdraw their honour all at once, which maketh a desperate discontentment in the party, and a commiseration in the people, and so greater love, if hee bee gracious for his vertue and publique service. Nor to banish him into forraine Countries, where hee may have oportunity of practizing with forraine States, whereof great danger may ensue, as in the Examples of *Coriolanus*, *Henry* the fourth, and such like. But to use these, and the like *Sophismes*: (*viz.*) To abate their greatnesse by degrees, as *David*, *Ioab*, *Iustinian*, *Belisarius*, &c. To advance some other Men to as great or greater honour, to shadow or over-mate the greatnesse of the other. To draw from him by degrees his friends and followers, by preferments, rewards, and other good and lawfull meanes; especially, to bee provideed that these great men bee not employed in great or powerfull affaires of the Common-wealth, whereby they may have more oportunity, to sway the State.

3. *People*: (*viz.*) so to order and behave himselfe, that hee bee loved and reverenced of the people. For that the Prince need not greatly feare home-conspiracies, or forraine invasion, if hee bee firmly loved of his owne people. The reason, for that the Rebelle can neither hope for any forces for so great enterprize; nor any refuge being discovered and put to flight, if the multitude affect their Prince: But the Common people being once offended hath cause to feare every moving, both at home and abroad. This may bee effected by the Prince, if hee use meanes and art of getting the favour of the people, and avoid those things that breed hatred and contempt; (*viz.*) if hee seeme as a Tutor, or a Father to love the people and to protect them, if he maintaine the Peace of his Kingdome; For that nothing is more Popular, nor more pleasing to the people then is peace.

4. If hee shew himselfe oftentimes graciously, yet with State, and Majesty to his people, and receive complaints of his suppliant, and such like.

5. If hee sit himselfe sometimes in open Courts and place of Justice, that hee may seeme to have a care of Justice among his people. If he bestow many benefits and graces upon that City which hee maketh the seat of his Empire, and so make it sure and faithfull unto him, which is fit to bee in the middle of his Kingdome, as the heart in the middle of the body, or the Sunne in the middle of Heaven, both to divide himselfe more easily into all the parts of his Dominions; and least the furthest parts at one end move, whilst the Prince is in the other. If hee goe in progresse many times to see his Provinces especially those that are remote.

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6. If hee gratifie his Courtiers and Attendants in that sort, and by such meanes as that hee may seeme not to pleasure them with the hurt and injury of his people, as with *Monopolies*, and such like.

7. If hee commit the handling of such things as procure envy, or seeme grievous to his Ministers, but reserve those things which are gratefull and well pleasing to himselfe, as the *French Kings*, who for that purpose, as may seeme, have erected their Court at *Paris*, which acquitteth the Prince from grudge and envy, both with the Nobles and the people.

8. If he borrowes sometimes summes of money of his people, though hee have no need, and pay the same justly without defalcation of any part by his Exchequer or other Officers.

9. If hee avoid all such things as may breed hatred or contempt of his person, which may bee done, if hee shew himselfe not too light, inconstant, hard, cruell, effeminate, fearefull, and dastardly, &c. But contrariwise, Religious, grave, just, valiant, &c. Whereby appeareth the false Doctrine of the *Machivilian* Policy; with feare, the better meanes, to keepe the people in obedience, then love, and reverence of the people towards the Prince.

10. If the Prince bee well furnished with Warlike Provision, which is to be rumored and made knowne abroad; If it bee knowne, that hee is revered and obeyed by his people at home.

11. If hee provide so much as lieth in him, that his Neighbour Kingdomes grow not overmuch in power and Dominion; which if it happen, hee is to joine speedily with other Princes, which are in like danger to abate that greatnesse, and to strengthen himselfe and the rest against it. An oversight of the Christian Princes towards the King of *Spaine*.

12. If hee get him Intelligencers by Reward, or other meanes, to detect or hinder the designs of that Prince with whom hee hath differences, if any thing be intended against his State. Or at least have some of his own Lying abroad about that Princes Court, under Colour of Embassage, or some other pretence: which must bee Men of Skill and Dexterity to serve for that turne.

13. To observe the Lawes of his Countrey and not to encounter them with his Prerogative, nor to use it at all where there is a Law, for that it maketh a secret and just grudge in the peoples hearts, especially if it tender to take from them their commodities, and to bestow them upon other of his Courtiers and Ministers.

14. To provide especially that that part which favoureth the State as it standeth bee more potent, then the other that favoureth it not, or desireth a change.

15. To make speciall choyce of good and sound men to beare the place of Magistrates, especially of such as assist the Prince in his Councils, and Policies, and not to leane overmuch to his owne advise, contrary to the rule of *Machivill*, who teacheth that a Prince can have no good Councell except it be in himself; his reason, because if he use the Councell of some one; he is in danger to be overwrought and supplanted by him: And if hee Council with more, then he shall be distracted with the differences in opinion. As if a Prince

Prince of great, or meane wisedome could not take the judgment of all his Counsellours in any point of Policy, or of so many as himselfe thinketh good, or to take it either by word or in wrighting; and himselfe then in private peruse them all, and so after good and mature deliberation make choice of the best, without any distraction or binding himselfe to the direction of one; For the Proverbe is true, that two eyes see more than one; and therefore, the advises and consultations of a Senatory State are compared by some to a feast, or dinner, where many contribute towards the *Shot*, by which meanes they have more variety of dishes, and so better fare: And yet every man may make choice of that dish that serveth him best for his health and appetite.

16. The Prince himselfe is to sit sometimes in place of publique justice, and to give an experiment of his wisedome and equity, whereby great reverence and estimation is gotten, as in the example of *Solomon*; which may seem the reason, why our Kings of *England* had their Kings bench in place of publique Iustice, after the manner of the ancient Kings that sate in the gate; where for better performing this Princely duty, some special causes may be selected, which may thoroughly bee debated and considered upon by the Prince in private, with the helpe and advice of his learned Counsell, and so be decided publicquely, as before is said, by the prince himselfe: At least the Prince is to take accompt of every Minister of publique Iustice that it may be knowne that he hath a care of Iustice, and doing right to his people, which makes the Iusticers also to be more carefull in performing of their duties.

17. To be moderate in his taxes, and impositions; and when need doth require to use the Subjects purse, to doe it by Parliaments, and with their consents, making the cause apparent unto them, and shewing his unwillingnesse in charging them. Finally, so to use it, that it may seem rather an offer from his Subjects, than an exaction by him.

18 To stop small beginnings, unto this end to compound the dissentions that arise amongst the nobles, with Caution that such as are free, be not drawn into parts, whereby many times the Prince is endangered, and the whole Common-wealth set in a combustion; as in the example of the Barons Warres, and the late Warres of *France* which grew from a quarrell betwixt the *Guision* faction and the other Nobility.

19. To stirre up the people, if they grow secure and negligent of armour and other provision for the Common-wealth, by some rumour or feare of danger at home, to make them more ready when occasion requireth. But this seldom to be used least it bee supposed a false Alarme, when there is need indeed.

20. To have speciall care, that his children, especially the heire apparent, have such bringing up as is meet for a King (*viz.*) in learning, specially of matters pertaining to State, and in Marshall exercise, contrary to the practize of many Princes, who suffer their children to bee brought up in pleasure, and to spend their time in hunting &c. which by reason of their defects afterwards is a cause of mis-government and alteration of State.

2. Kingdomes new gotten, or purchased by force, are preserved by these meanes.

1. **F**irst, if they have beene Subjects before to his Ancestours, or have the same tongue, manners, or fashions as have his owne Countrey, it is an easie matter to retaine such Countries within their obedience, in case the Princes blood of the said Countrey bee wholly extinct; For men of the same quality, tongue, and condition, doe easily shole and combine themselves together, so much the rather if the people of that Countrey have served before and were not accustomed to their own liberty, wherein specially is to bee observed, that the lawes and customes of that purchased Countrey bee not altered nor innovated, or at least it bee done by litle and litle. So the *Burgundians* and *Acquitaines* were annexed to *France*. The reason, because partly they have bin accustomed to serve; and partly, for that they will not easily agree about any other to bee their Prince, if the blood Royall be once extinguished. As for the invasion of a forraine Countrey, whereunto the Prince hath no right, or whereof the right heir is living; It is not the part of a just Civill Prince, much lesse a Prince Christian to enforce such a Countrey; and therefore, the *Machiavelian* practises in this case to make sure worke by extinguishing wholly the blood Royall is leud, and impertinent: The like is to bee said, of murdering the natives, or the greatest part of them, to the end hee may hold the rest in sure possession. A thing not onely against Christian Religion, but inhumane Justice, cruell, and barbarous.

2. The safest way is, (supposing a right) that some good part of the Natives bee transplanted into some other place, and our Colonies consisting of so many as shall be thought meet be planted there in some part of the Province, Castles, Forts, and Havens, seised upon, and more provided in fit places, as the manner was of the *Babylonian* Monarch which transplanted 10. tribes of the *Jewes*: And of the *Romans* in *France*, *Germany*, *Britany*, and other places. The reason, 1. For that otherwise forces of horse and foote, are to bee maintained within the Province which cannot bee done without great charge. 2. For that the whole Province is troubled and grieved, with removing and supplying the Army with victuals, carriages, &c. 3. For that Collonies are more sure and faithfull than the rest. As for the Natives that are removed from their former seates, they have no meanes to hurt, and the rest of the Natives being free from the inconvenience, and fearing that themselves may bee so served, if they attempt any thing rashly, are content to bee quiet. The *Turkes* practise in *Asia*, where the chiefe grounds and dwellings are possessed by the Souldiours, whom they call *Timariotæ*. That the Prince have his seat and his residence in his new purchase, especially for a time, till things bee well settled; especially if the Province bee great and large, as the *Turke* in *Greece*. The reasons: 1. Because the presence of the Prince availeth much to keepe things in order, and get the good will of his new Subjects. 2. They conceive that they have refuge by the Princes presence, if they bee oppressed by the Lieutenants and inferiour Governours: Where it will bee convenient for the winning the peoples hearts, that some examples bee made of
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of punishing of such as have committed any violence or oppression. 3. Because being present hee seeth and heareth what is thought and attempted ; and so may quickly give remedy to it, which being absent, hee cannot doe, or not doe in time.

3. If the Prince himselfe cannot bee present to reside, then, to take heed that the charge of Governing, or new purchases bee committed to such as bee sure men, and of other meet quality, that depend wholly upon the Princes favour ; And not to Natives, or other of their owne Subjects, that are gracious there for their Nobility, or vertue ; especially if the Province bee great, and somewhat farre distant, which may soone seduce the unsettled affections of those new Subjects. As for such Governours as depend wholly upon the Princes favour being not borne, but created Noble, they will not so easily suffer themselves to bee wonne from their duty ; and in case they would revolt, yet they are not able to make any great strength ; for that the people obey them but as Instruments and Ministers to keepe them in subjection, and not for any good will.

4. To have the children of the chiefe Noblemen, and of greatest authority, Hostages with them in safe keeping ; the more the better : For that no Bond is stronger, than that of Nature to containe the Parents and Allies in obedience, and they the rest.

5. To alter the Lawes, but by degrees one after another, and to make others that are more behovefull for the establishing of the present Government.

6. To keepe the people quiet and peaceable and well affected so much as may bee, that they may seeme, by being conquered, to have gotten a Protector, rather than a Tyrant ; For the Common-people if they enjoy peace, and bee not distracted, nor drawne from their businesse, nor exacted upon beyond measure are easily contained under obedience ; Yet notwithstanding, they are to bee dis-used from the practise of Armes, and other Exercises which encrease courage, and bee weakened of Armour, that they have neither Spirit nor will to rebell.

7. If there bee any faction in the Countrey, to take to him the defence of the better, and stronger part, and to combine with it, as *Cæsar* in *France*.

8. To looke well to the Borders and confining Provinces, and if any rule there of great, or equall power to himselfe, to joyne league with some other Borderers, though of lesse strength to hinder the attempts (if any should bee) by such Neighbour Prince. For it happeneth often, that a Countrey infested by one Neighbour Prince calleth in another of as great or greater power to assist, and rescue it from the other that invadeth it ; So the *Romans* were called into *Greece* by the *Ætolians* ; The *Saxons* by the *Britaines*, the *Danes* by the *Saxons*.

9. To leave their Titles and Dignities to the Natives, but the command and authority wholly his owne.

10. Not to put much trust, nor to practise too often the *Sophismes* of Policy, especially those that appertaine to a Tyrannicall State, which are soone detected by men of Judgement, and so bring discredit to the Prince, and his

Policy among the wiser and better sort of his Subjects; whereof must needs follow very evill effects.

The *Sophismes* of Tyrants, are rather to be knowne, then practised, (which are for the supporting of their Tyrannicall States,) by wise and good Princes; and are these, and such like as follow.

Rules Politique of Tyrants.

Rules practised by Tyrants are of 2. sorts: viz. 1. *Barbarous and Professed*, which are proper to those that have got head, and have power sufficient of themselves without other helpe, as in the *Turkish* and *Russe* Government.

2. *Sophisticall and Dissembled*; As in some States, that are reputed for good and lawfull Monarchies, but inclining to Tyrannies, proper to those which are not yet settled nor have power sufficient of themselves; but must use the power and helpe of others, and so are forced to be *Politique Sophisters*.

1. *Sophismes of a Barbarous and Professed Tyrant.*

1. **T**O expell and banish out of his Countrey all honest meanes, whereby his people may attaine to learning, wisdom, valour, and other vertues, that they might bee fit for that estate and servile condition. For that in these two, learning, and Martiall exercise, effect two things most dangerous to a Tyranny: (viz.) Wisdom and Valour. For that men of Spirit and understanding can hardly endure a servile State. To this end to forbid learning of liberall Arts, and Martiall exercise; As in the *Russe* Government, so *Iulian* the *Apostate* dealt with the Christians. Contrarywise, to use his people to base occupations, and Mechanicall Arts, to keepe them from Idleness, and to put away from them all high thoughts, and manly conceites, and to give them a liberty of drinking drunke, and of other base and lewd conditions that they may bee sotted, and so made unfit for great enterprizes. So the *Egyptian* Kings dealt with the *Hebrewes*; So the *Russe* Emperour with his *Russe* people: And *Charles* the fifth with the *Netherlanders*, when hee purposed to enclose their Priviledges, and to bring them under his absolute Government.

2. To make sure to him and his State, his Military men by reward, liberty, and other meanes, especially his Guard, or Prætorian band; That being Partakers of the spoile and benefit, they may like that State, and continue firme to it; as the *Turke* his *Ianizaries*, the *Russe* his *Boyarens*, &c.

3. To unarme his people of weapons, money, and all meanes, whereby they may resist his power; And to end, to have his set and ordinary exactions, viz. once in two, three, or four yeares; and sometimes yearly, as the *Turke* and *Russe*; who is wont to say, that his people must bee used as his flock of sheep: viz. Their fleece taken from them, least it overlade them, and grow too heavy; that they are like to his Beard, that the more it was shaven,

shaven, the thicker it would grow. And if there bee any of Extraordinary wealth to borrow of them in the mean while, till the taxe come about, or upon some devised matter, to confiscate their goods, as the Common practise is of the *Russe* and *Turke*.

4. To bee still in Warres, to the end, his people may need a Captaine; and that his forces may be kept in practise, as the *Russe* doth yearly against the *Tartar*, *Polonian*, and *Sweden*, &c.

5. To cut off such as excell the rest in wealth, favour, or nobility, or bee of a pregnant, or spiring wit, and so are fearfull to a Tyrant, and to suffer none to hold office, or any honour, bur onely of him; as the *Turke* his *Bashaes*, and the *Russe* his *Ruezzes*.

6. To forbid Guilds, Brotherhoods, Feastings, and other Assemblies among the people, that they have no meanes or opportunity to conspire or conferre together of publique matters, or to maintaine love amongst themselves, which is very dangerous to a Tyrant, the *Russes* practise.

7. To have their Beagles, or Listners in every corner, and parts of the Realme, especially in places that are more suspect, to learn what every man saith, or thinketh, that they may prevent all attempts, and take away such as mislike their State.

8. To make Schisme and Division among his Subjects, viz. To set one Noble man against another, and one Rich man against another, that through faction and disagreement among themselves, they may bee weakened, and attempt nothing against him; and by this meanes entertaining whisperings and complaints, hee may know the secrets of both parts, and have matter against them both, when need requireth. So the *Russe* made the faction of the *Zemsky* and the *Oppressinie*.

9. To have Strangers for his Guard, and to entertaine Parasites, and other base and servile fellowes, not too wise, but yet subtile, that will be ready for reward to doe and execute what he commandeth, though never so wicked and unjust. For that good men cannot flatter, and wise men cannot serve a Tyrant.

All these practises and such like, may be contracted into one or two, viz. To bereave his Subjects of will and power to doe him hurt, or to alter the present State. The use is Caution, not Imitation.

2. *Sophismes of the Sophisticall, or subtile Tyrant to hold up his State.*

1. **T**O make a shew of a good King by observing a temper and mediocrity in his Government, and whole course of life; to which end it is necessary, that this subtile Tyrant bee a cunning Polititian, or a *Machiavelian* at the least, and that hee bee taken so to bee, for that it maketh him more to bee feared and regarded, and is thought thereby not unworthy for to governe others.

2. To make shew not of severity, but of gravity, by seeming reverent, and not terrible in his speech, and gesture, habite, and other demeanour.

3. To

3. To pretend care of the Common-wealth; and to that end to seeme loath to exact Tributes and other charges; and yet to make necessity of it, where none is: To that end to procure such Warre as can bring no danger towards his State, and that might easily be compounded, or some other chargeable businesse; and to continue it on, that hee may continue his exaction and contribution so long as hee list. And thereof to employ some part in his publique service, the rest to hoord up in his Treasury, which is sometimes practised even by lawfull Princes; as *Edward* the fourth in his Warres against *France*, when having levied a great summe of money throughout his Realme, especially of the *Londoners*, hee went over Seas, and returned without any thing doing.

4. Sometimes to give an accompt by open speech and publique writing of the expence of such taxes and impositions as hee hath received of his Subjects, that hee may so seeme to bee a good Husband, and frugall, and not a Robber of the Common-wealth.

5. To that end, to bestow some cost upon publique Buildings, or some other worke for the common good, especially upon the Ports, Forts, and chiefe Cities of his Realme, that so hee may seeme a Benefactour, and to have a delight in the adorning of his Countrey, or doing some good for it.

6. To forbid Feastings and other meetings, which increase love, and give opportunity to conferre together of publique matters, under pretence of sparing cost for better uses. To that end, the *Curfew bell* was first ordained by *William* the Conquerour to give men warning to repaire home at a certaine houre.

7. To take heed, that no one grow to bee over great, but rather many equally great, that they may envy and contend one with another; and if hee resolve to weaken any of this sort, to doe it warily and by degrees; If quite to wrack him and to have his life, yet to give him a Lawfull triall after the manner of his Countrey; And if hee proceed so farre with any of great power and estimation as to doe him contumely or disgrace, not to suffer him to escape, because contumely and disgrace are things contrary unto Honour, which great Spirits doe most desire, and so are moved rather to a revenge for their disgrace, than to any thankfulness, or acknowledging the Princes favour for their pardon or dismissal; True in *Atchiefs*, but not in true Christian Nobility.

8. To unarme his peope, and store up their weapons under pretence of keeping them safe, and having them ready when service requireth, and then to arme with them, such and so many as hee shall thinke meet, and to commit them to such as are sure men.

9. To make scisme or division under-hand among his Nobility, and betwixt the Nobility and the People, and to set one Rich man against another, that they combine not together, and that himselfe by hearing the griefes and complaints may know the secrets of both parts, and so have matter against them both, when it listeth him to call them to an accompt.

10. To offer no man any contumely or wrong, especially about Womens matters, by attempting the chastity of their Wives or Daughters, which hath
beene

beene the ruine of many Tyrants, and subversion of their States. As of *Tarquinius*, by *Brutus*, *Appius*, by *Virginus*, *Pisistratus*, by *Harmodius*, *Alexander Medices* Duke of *Florence*, *Aloisus* of *Placentia*, *Rodericus* King of *Spaine*, &c.

11. To that end to bee moderate in his pleasures, or to use them closely that hee bee not seene; For that men sober or watchfull, or such as seeme so, are not lighty Subject to contempt, or conspiracies of their owne.

12. To reward such as achieve some great or commendable enterprize, or doe any speciall action for the Common-wealth in that manner as it may seeme, they could not be better regarded, in case they lived in a free State.

13. All Rewards and things gratefull to come from himselfe; but all punishments, exactions, and things ungratefull, to come from his Officers and publique Ministers: And when he hath effected what hee would by them, if hee see his people discontented withall, to make them a Sacrifice to pacifie his Subjects.

14. To pretend great care of Religion and of serving of God, (which hath beene the manner of the wickedest Tyrants) for that people doe lesse feare any hurt from those, whom they thinke vertuous and religious, nor attempt lightly to doe them hurt, for that they thinke that God protects them.

15. To have a strong and sure Guard of forraine Souldiers, and to bind them by good turnes, that they having at least, profit, may depend upon him, and the present State; As *Caligula*, the *German* Guard, where the Nobility are many and mighty. The like is practised by lawfull Kings, as by the *French* King.

16. To procure that other great persons bee in the same fault, or case with them, that for that cause, they bee forced to defend the Tyrant, for their owne safety.

17. To take part, and to joyne himselfe with the stronger part; if the Common people, and meane degree bee the stronger, to joyne with them; if the Rich and Noble, to joyne with them. For so that part with his owne strength will bee ever able to overmatch the other.

18. So to frame his manners and whole behaviour, as that hee may seeme, if not perfectly good, yet tollerably evill, or somewhat good, somewhat bad.

These Rules of Hipocriticall Tyrants are to be known, that they may bee avoided and met withall, and not drawne into imitation.

Preservation of an Aristocracy.

RULES to preserve a Senatory State, are partly taken from the Common Axioms, and partly from those that preserve a Kingdome.

Preservation of an Oligarchy, by Sophismes, or Rules.

1. **I**N Consultations and Assemblies about publique affaires so to order the matter, that all may have libery to frequent their Common Assemblies and Councils: But to impose a fine upon the richer sort if they omit that duty.

duty. On the other side, to pardon the people, if they absent themselves, and to beare with them under pretence, that they may be better attend their occupations, and not bee hindered in their trades and earnings.

2. In election of Magistrates and Officers; To suffer the poorer sort to vow and abjure the bearing of office under colour of sparing them; or to enioyne some great charge as incident to the office, which the poore cannot beare. But to impose some great fine upon those that bee rich, if they refuse to beare office, being elect unto it.

3. In Judiciall matters, In like manner to order that the people may be absent from publique Trials, under pretence of following their busines. But the richer to bee present, and to compell them by fines to frequent the Court.

4. In Warlike Exercise and Armes, that the poore bee not forced to have Armour, Horse, &c. under pretence of sparing their cost, nor to bee drawne from their trades by Martiall Exercises; but to compell the richer sort to keepe their proportion of Armour, Horse, &c. By excessive fines, and to exercise themselves in Warlike matters, &c.

5. To have speciall care of instructing their Children in liberall Arts Policy and Warlike Exercise, and to observe good order and discipline. For as populous States are preserved by the frequency and liberty of the people, so this Government of the richer is preserved by discipline and good order of Governours.

6. To provide good store of Warlike furniture, especially of Horse, and Horsemen, and of armed men, *viz.* Pike, &c. which are proper to the Gentry; as shot and light furniture are for a populous Company.

7. To put in practise some points of a populous State, *viz.* To lade no one man with too much preferment; to make yearly or halfe yeares Magistrates, &c. For that the people are pleased with such things, and they are better secured by this meanes from the rule of one. And if any grow to too much greatnesse, to abate him by the *Sophismes* fit for this State.

8. To commit the Offices and Magistracies, to those that are best able to beare the greatest charges for publique matters, which both tendeth to the conservation of this State, and pleaseth the people, for that they reape some reliefe and benefit by it.

9. To the same end to contract marriages among themselves, the rich with the rich, &c.

10. In some things which concerne not the points and matters of State, as electing Magistrates, making Lawes, &c. to give an equality, or sometimes a preferment to the Common-people, and not to doe, as in some *Olygarchies* they were wont; *viz.* To sweare against the people, to suppress and bridle them; but rather contrary, to minister an oath at that admission, that they shall doe no wrong to any of the people; and if any of the richer offer wrong to any of the Commons, to shew some example of severe punishment.

For other *Axioms* that preserve this State, they are to bee borrowed, from those other Rules that tend to the preserving of a Populous and Tyrannicall State; for the strict kind of *Olygarchy* is kinne to Tyranny.

Preservation

Preservation of a Popular State, *Sophismes. Rules or Axioms.*

1. **I**N publique Assemblies and consultations, about matters of State, creating of Magistrates, publique Justice and Exercise of armes, to practise the contrary to the former kind of Government, to wit, an *Olygarchy*. For in Popular States, the Commons and meaner sort are to bee drawne to those Assemblies, Magistracies, Offices, Warlike Exercises, &c. By mulcts and rewards, and the richer sort are to bee spared, and not to be forced, by fine, or otherwise, to frequent these Exercises.
2. To make shew of honouring and reverencing the richer men, and not to swear against them, as the manner hath beene in some Popular States; but rather to preferre them in all other matters, that concerne not the State and publique Government.
3. To elect Magistrates from among the Commons, by Lot, or Balloting, and not to choose any for their wealths sake.
4. To take heed, that no man beare office twice, except it bee Military, where the pay, and salery, &c. is to bee reserved in their owne hands, to bee disposed of by a Common Councell, &c. And to see that no man bee too highly preferred.
5. That no Magistracy bee perpetuall, but as short, as may bee, to wit, for a yeare, half a yeare, &c.
6. To compell Magistrates, when their time expireth to give an accompt of their behaviour and Government, and that publicely before the Commons.
7. To have publique Saleries and allowance for their Magistrates, Judges, &c. And yearly dividends for the Common-people, and such as have most need among them.
8. To make Iudges of all matters, out of all sorts, so they have some aptnes to performe that duty.
9. To provide that publique Iudgements and Trials, bee not frequent; and to that end to inflict great fines and other punishments upon Pettifoggers and Dilatours, as the law of requitall; &c. Because for the most part the richer and nobler, and not the Commons are indited and accused in this Common-wealth, which causeth the rich to conspire against the State; whereby many times, the Popular State is turned into an *Olygarchy*, or some other Government. Hereto tendeth that Art of Civill law, made against Accusers and Calumniatous: *Ad Senatos Consultum Turpilianum, lib. 1. de Calumniatoribus.*
10. In such free States as are Popular, and have no revenue, to provide the publique Assemblies bee not after: because they want salery for Pleaders and Oratours; And if they bee rich; yet to bee wary, that all the revenue bee not divided amongst the Commons. For that this distribution of the Common revenue among the Multitude is like a purse or barrell without a bottom. But to provide, that a sufficient part of the revenue bee stored up for the publique affaires.

11. If the number of the poore encrease too much in this kind of State, to send some abroad out of the Cities into the next Country places, and to provide above all, that none doe live idly, but bee set to their trades. To this end, to provide that the richer men place in their Farmes and Coppisholds, such decayed Citizens.

12. To bee well advised what is good for this State, and not to suppose that to bee fit for a Popular State, that seemeth most popular; but that which is best for the continuance thereof: And to that end, not to lay into the Exchequer, or Common Treasury, such goods as are confiscate, but to store them up as holy and consecrated things, which except it bee practised, confiscations, and fines of the Common people would bee frequent, and so this State would decay by weakening the people.

Conversion of States in Generall.

Conversion of a State, is the declining of the Common-wealth, either to some other forme of Government, or to his full and last period appointed by God.

Causes of Conversions of States, and of two sorts: Generall and Particular.

Generall, (*viz.*) 1. Want of Religion: *viz.* of the true knowledge and worship of God, prescribed in his word; and notable finnes that proceed from thence in Prince and people, as in the examples of *Saul*, *Uzziab*, the Jewish State; the foure Monarchies, and all other.

2. Want of wisdom, and good Councill to keepe the State, the Prince, Nobles, and People in good temper, and due proportion, according to their severall orders and degrees.

3. Want of Justice, either in administration (as ill Lawes, or ill Magistrates) or in the execution, as rewards not given where they should be, or there bestowed where they should not be, or punishments not inflicted where they should be.

4. Want of power and sufficiency to maintaine and defend it selfe; *viz.* Of provision, as Armour, Money, Captaines, Souldiours, &c. Execution when the meanes or provision is not used, or ill used.

2. *Particular*: To bee noted and collected out of the contraries of those rules that are prescribed for the preservation of the Common-wealths.

Particular causes of Conversion of State, are of two sorts.

1. **F**orraine: By the overgreatnesse of invasion of some forraine Kingdome, or other State of meane power, having a part within our owne, which are to bee prevented by the providence of the chiefe, and rules of policy for the preserving of every State. This falleth out very seldome for the great difficulty to overthrow a forraine State.

2. *Domestique*: Sedition or open violence by the stronger part. Alteration without violence. *Sedition.*

Sedition.

Sedition is a power of inferiours opposing it selfe with force of Armes against the superiour power, *Quasi ditio secedens.*

Causes of Sedition are of two sorts. 1. Generall. Liberty, Riches, Honour.

Liberty. **W**hen they, that are of equall quality in a Common-wealth, or doe take themselves so to bee, are not regarded equally in all, or in any of these three.

Riches. Or when they are so unequall in quality, or take themselves so to be, are regarded but equally, or with lesse respect, then those that bee of lesse defect in these three things, or in any of them.

Honour. 1. IN the Chiefe: Covetousnesse or oppression, by the Magistrate or higher Power, (*viz.*) when the Magistrates, especially the Chiefe encreaseth his substance and revenue beyond measure, either with the publique or (private calamity, whereby the Governours grow to quarrell among themselves as in *Olygarchies*) or the other degrees conspire together, and make quarrell against the chiefe, as in Kingdomes: The examples of *Wat Tyler, Jack Straw, &c.*

2. *In the Chiefe:* Injury, when great Spirits, and of great power are greatly wronged and dishonoured, or take themselves so to bee, as *Coriolanus, Cyrus minor, Earle of Warwick.* In which cases the best way is to decide the wrong.

3. Preferment, or want of preferment; wherein some have overmuch, and so wax proud and aspire higher: or have more or lesse, they deserve as they suppose; and so in envy and disdain seek Innovation by open faction, so *Cæsar, &c.*

4. Some great necessity or calamity; So *Xerxes* after the foile of his great Army. And *Senacheris* after the losse of 185. in one night.

2. **Particular. 1. ENvy,** when the chiefe exceed the mediocrity before mentioned, and so provoketh the Nobility, and other degrees, to conspire against him; as *Brutus Cassius, &c.* against *Cæsar.*

2. *Feare, viz.* Of danger, when one or more dispatch the Prince, by secret practise or force to prevent his owne danger, as *Artabanus* did *Xerxes.*

3. Lust or Lechery, as *Tarquinius Superbus*, by *Brutus*; *Pisistratidæ*, by *Armodius*; *Appius* by *Virginius.*

Chiefe. 4. Contempt; For vile quality and base behaviour, as *Sardanapalus*, by *Arbaces*; *Dionisius* the younger by *Dion.*

Other degrees. 5. Contumely; When some great disgrace is done to some of great Spirit who standeth upon his honour and reputation, as *Caligula*, by *Chereas.*

Other degrees. 6. Hope of Advancement, or some great profit, *Mithidrates, Anobarhanes.*

Alteration without violence.

CAuses of alteration without violence are ; 1. *Excesse* of the State ; when by degrees, the State groweth from that temper and mediocrity, wherein it was, or should have been settled, and exceedeth in power, riches and absolutenes in his kind, by the ambition and covetousnesse of the Chiefes, immoderate taxes, and impositions, &c. applying all to his owne benefit without respect of other degrees, and so in the end changeth it selfe into another State or forme of Government, as a Kingdome into a Tyranny, an *Olygarchy* into an *Aristocracy*.

2. *Excesse*, of some one or more in the Common-wealth ; viz. When some one, or more, in a Common-wealth grow to an excellency or excesse above the rest, either in honour, wealth, or vertue ; and so by permission and popular favour, are advanced to the Sovereignty : By which meanes, Popular States grow into *Olygarchies* ; and *Olygarchies*, and *Aristocracies* into *Monarchies*. For which cause, the *Athenians* and some other free States made their Lawes of *Ostrocismos* to banish any for a time that should excell, though it were in vertue, to prevent the alteration of their State ; which because it is an unjust law, 'tis better to take heed at the beginning to prevent the meanes, that none should grow to that hight and excellency, then to use so sharp and unjust a remedy.

A METHOD, how to make use of the Booke before, in the reading of Story.

DAVID being seventy yeares of age, was of wisedome, memory, &c. sufficient to governe his Kingdome ; 1. Reg. Chap. 1.

Old age is not ever unfit for publique Government.

DAVID being of great yeares, and so having a cold, dry, and impotent body, married with *Abisbag* a faire Maide of the best complection through his whole Realme, to revive his body and prolong his life, 1. Reg. Chap. 1. Verse 3.

Example of the like practice in Charles the fifth.

DAVID being old and impotent of body by the advice of his Nobles and Phisitians, married a young maid called *Abisbag*, to warm and preserve his old body.

Observation.

Observation.

Whether *David* did well in marrying a Maide; and whether it be lawfull for an old decayed and impotent man to marry a young woman; or on the other side, for an old worne, and decrepite woman to marry a young and lusty man.

For the Affirmative.

ARG. The end of marriage is Society and mutuall comfort; but there may bee Society and mutuall comfort in a marriage betwixt an old and young party. *Ergo 'tis lawfull.*

Ans^w. Society and comfort is an use and effect of marriage; but none of the principall end is of marriage, which are:

1. Procreation of Children, and so the continuance of mankind. 2. The Avoiding of fornication.

As for comfort and society, they may be betwixt man and man, women and women where no marriage is, and therefore no proper ends of marriage.

The Negative.

ARG. 1. That conjunction which hath no respect to the right and proper ends, for which marriage was ordained by God, is no lawfull marriage. But the conjunction betwixt an old impotent, and young party hath no respect to the right end for which marriage, was ordained by God. *Therefore it is no lawfull marriage.*

2. No contract, wherein the party contracting, bindeth himselfe to an impossible condition, or to doe that which he cannot doe, is good, or lawfull. But the contract of marriage by an impotent person with a young party bindeth him to an impossible condition to doe, that which hee cannot doe (*viz.*) to performe the duties of marriage; *Therefore it is unlawfull.*

For the same cause, the civill law determineth a nullity in these marriages, except the woman know before the infirmity of the man, in which case she can have no wrong, being a thing done with her owne knowledge and consent because *Volenti ne fit injuria:—In legem Iulian. de adulteriis leg. Si uxor &c.*

It provideth further for the more certainty of the infirmity, that three yeares bee expired before the dissolution of the marriage, because that men, that have beene infirme at the first, by reason of sicknesse, or some other accident, afterwards proved to bee sufficient: *De repudiis leg. in causis.*

Defence for DAVID in marrying ABISHAG,

1. IT was rather a Medicine then a marriage, without any evill or disordered affection.

2. It was by the perswasion of his Nobles and Phisitians.

3. It

3. It was for the publique good to prolong the life of a worthy Prince.

4. It was with the knowledge and consent of the young Maid, who was made acquainted with the Kings infirmity, and to what end shee was married unto him; who if shee did it for the Common good, and for duties sake, having withall the guift of continency, shee is to bee commended; if for ambition, or some vaine respect, it is her owne, and not *Dauids* fault.

Politically Nobility.

Adoniab aspiring to the Kingdome.

First, tooke the advantage of *Dauids* affection and kindnesse towards him, and made him secure of any ill dealing.

Secondly, of his age and infirmities, disabling his father as unfit for Government.

Thirdly, blazed his title, and right to the Crowne.

Fourthly, got him Chariots, Horsemen, and Footmen, and a guard to make shew of State.

Fifthly, being a comly and goodly person, made a Popular shew of himselfe, and his qualities.

Sixthly, joyned to himselfe in faction *Ioab*, the Generall of the army, who was in displeasure for murdering of *Abner* and *Amasa*, and feared that *David* would supply *Benajah* into his place, and so was discontented. And *Abiathar* the high Priest, that was likewise discontented with *David*, for the preferment of *Zadock*.

Seventhly, had meetings with them, and other his confederates, under pretence of a vow and offering at the Fountaine of *Raguell*, in the confines of *Juden*.

Eighthly, made a shew of Religion by Sacrificing, &c.

Ninthly, made himselfe familiar with the Nobles and people, and entertained them with feasting.

Tenthly, drew into his part the chiefe officers of the Court, and Servants to the King, by Rewards, Familiarity, &c.

Eleventhly, disgraced and abased the Competitour, and such as hee knew, would take part with him, and concealeth his ambition, and purpose from them.

Twelfthly, had *Ionathan* a favorite of the Court, and neere about the King to give him intelligence, if any thing were discovered, and moved at the Court, whilst himselfe was in hand about his practise.

Observations.

Wayes of such as aspire to the Kingdome, and Markes to discerne them.

First, they wind into Princes favour, by service, officiousnesse, flattery, &c. to plant him in a good opinion of their loyalty and faithfulness, thereby to make him secure of their practises.

2. They

2. They take advantages of Princes infirmities, age, impotency, negligence, ~~sex~~, &c. And worke upon that by disabling the Prince, and secret detracting of his person and Government.

3. They blaze their Title, and claime to the Crowne, (if they have any) with their friends, and favourers.

4. They provide them in secret of extraordinary forces and furniture for the warres, make much of good souldiers, and have a pretence (if it bee espied) of some other end, as for the Kings honour, or service, and to bee in readines against forraine enemies, &c.

5. They make open shew of their best qualities and comelines of their person (which though it bee vaine as a dumbe shew, it is very effectually to winne the liking of the popular sort, which according to the rule of the election of Kings, in the *Bees* Common-wealth; thinke that *Forma est digna imperare*) Activity, Nobility, Ancestry; &c.

6. To have their blazers abroad to set out their vertues, and to prepare their friends in every Province.

7. To draw into their part, and make sure unto them, of the chiefe Peeres, and men of best quality, such as are mightiest, and most gracious with the Souldiers, and the Military men, and most subtil and politique, especially such as bee ambitious, and discontent with the State.

8. To have meetings for conference under some pretence of some ordinary matter in some convenient place, not too neare, nor too farre off, but where friends may best resort and assemble unto them without suspition.

9. To take up a shew and pretence of Religion more then before, and beyond the practise of their former life.

10. They use popular curtesie (which in a great person is very effectually) feasting, liberality, gaming, &c.

11. To bee over liberall, and winne to them by guifts, familiarity, &c. the chiefe Officers of the Court, and Governours of Shires.

12. To have some neere about the Prince, to keepe them in credite, and remove suspition, if any rise.

13. To disgrace such as they know to bee sure and faithfull to the Prince, and present State, or to the Competitour, and to bring them into contempt by slander, detraction, and all meanes they can, and to conceale the designs from them, least they bee discovered before they bee ripe.

14. To have some spie neere about the Prince, to advertise them if any inkling of suspition arise whilst themselves are practising.

Note the practises of *Abfolon*: 2. *Sam. Chap. 16.* and of *Cyrus minor*, in *Xenophon*: *Περὶ ἀναξάνου* cap. 1.

Politicall Prince.

David being a most worthy and excellent Prince for wisdom, valour, religion, and justice, and so highly deserving of the Common-wealth, yet growne into age, grew withall into contempt, and had many, both of his Nobles and Common-people, that fell from him; first with Absolon, then with Adoniah, who affected the Kingdome and rebelled against him: For remedy whereof, hee stirred up himselfe to publique actions which might shew his vigour and sufficiency to manage the affaires of his Kingdome.

1. **A**fter the victory against *Absolon*, he forced himselfe to forbear mourning, and shewed himselfe to his discontented Army, when all were like to fall from him, for his unreasonable sorrow and lamentation for his Sonne.
2. After the victory, hee caused a generall convention to bee assembled of the whole nation, to bring him home with honour to *Ierusalem*, which was a renewing and re-establishing of him; 2. *Sam.* 19. 12.
3. Hee gave an experiment of his power and authority, by deposing a person of great authority and estimation, to wit, *Ioab*, Generall Captaine of the Army, and advancing *Amasa* to his place.
4. Hee sent kind Messengers to *Ierusalem*, and to other chiefe and head Townes, and speciall men of *Iudea*, his contributes, putting them off their alliance with him, with these words, that they were of his owne flesh and bloud, with protestation of his speciall love and affection towards them, to provoke them with like kindnesse and affection towards him.
5. Hee assembled a Parliament of his whole Realme, and tooke occasion upon the designing of his Successour, to commend unto them the succession of his House, and the continuance and maintenance of Gods true worship and religion, then established, and gave a grave and publique charge to his Successour, now designed, touching the manner of his government, and maintaining of Religion, 1. *Chron.* 12. 13.
6. Hee shewed his bounty and magnificence in congeisting matter for the building of the Temple, as gold, silver, brasse, &c. And caused it to bee published and made known to the Parliament and whole Nation, 1. *Chron.* 22. 13.
7. Hee revived the Church Government, and set it in a right order, assigning to every Church Officer his place and function.
8. Hee suppressed the faction of *Adoniah*, and ordained *Solomon* his Successour; 1. *Reg.* 1. 22. By these meanes, hee retained his Majesty and authority in his old age, as appeareth by th' effect; for that being bedrid, hee suppressed the faction of *Adoniah*, (which was growne mighty, and was set on foote) with his bare commandement, and signification of his pleasure, and so he died in peace.

The

The Forme of GOVERNMENT of the KINGDOME of *ENGLAND*, collected out of the fundamentall Lawes and Statutes of this Kingdome. Wherein is manifested the customary Uses of the Kings of *England* upon all Ocoasions, either of Marriage, Peace or Warre, to call their Peeres and Barons of the Realm to be partners in Treaties, and to give their juditious Advice; the State and Security of the whole Kingdome depending upon such Counsells and Determinations: Likewise the Names of the Kings, and the Times when such Parliaments were called, and the Acts that passed upon those and the like Occasions.

Henry	1.	Henry	4.
Iohn		Henry	5.
Henry	3.	Henry	6.
Edward	1.	Edward	4.
Edward	2.	Henry	7.
Edward	3.	Henry	8.
Richard	2.		

Published for the satisfaction of all those, that desire to know the manner and forme of the Government of the Land, and the fundamentall Lawes of the Kingdome.

TO search so high as the *Norman* Conquest, it is necessary to lay downe the forme of Government of those Times, wherein the State of affaires led in another forme of publique Councils; For the people (wrought under the Sword of the first *William* *, and his followers, to a subjected Vassalladge) could not possesse in such Assemblies the Right of their former Liberties, Divisions and Power having mastered them, and none of their old Nobility and Heads, being left either of Credit or Fortunes.

What he retained not in Providence as the Demeasnes of the Crowne, (or reserved in Piety (as the maintenance of the Church) he parted to those Strangers that sayled along with him, in that Barque of his Adventure †; leaving the Natives for the most part (as it appears by his Survey) in no better Condition, then Villany, moulding their Customes to the manner of his owne Countrey; and forbore to grant the Lawes of Saint *Edward*, so often called for §.

To supply his occasions of men, money, and provision; hee ordered that all those, that enjoyed any fruit of his Conquest, should hold the Lands proportionable by so many Knights fees of the Crowne; admitted to enfeoffe

VOL. II.

I i

their

* *William the Conqueror.* † *Edmerus.* § *Huntington.*

their followers of such parts (as they pleased) of their own portions, which to ease their charge they did in his and his sonnes time by two Feoffments, the one *de novo*, the other *de veteri*. This course provided him of the body of his warre; the money and Provision was by headage assessed upon the common people by the consent of their Lords; who held in all their Seigniories such Right of Regalitie, as to their Vassalles; so as (saith *Paris*) *quot Domini, tot Tyranni*; and proved to the King so great a curbe and restraint of power that nothing fell into the Care of Maiestie afterward more, then to retrench the force of this Aristocracy, that was in time like to strangle the Monarchy.

Though others foresaw the mischiefe betimes, yet none attempted the remedy, untill King *Iohn*, whose overhastie undertaking brought in those broyles of the Barrons warres. There needed not before this any care to advise with the Commons in all publique Assemblies, when every man in *England* by Tenure, held himselfe to his great Lords will, whose presence was ever required in those Councells, and in whose assent his dependant Tenants consent was ever included.

Before this Kings time then we seeke in vaine for any Commons called, they were called ever for making of Lawes, but not to consult touching warre or Peace. The first (as may bee gathered) though darkely) by the Records) that used their Counsells and Assents, was this King in the sixt yeare of his Raigne: here are the first summons on record to the Peeres or Barrons *tractaturi de magnis & arduis negotiis*. It was about a warre of defence against the *French*; And that the Commons were admitted at this time, may fitly be gathered by the ordinance; *Provisum est communi assensu Archiepiscoporum, Comitum, Baronum, & aliorum fidelium nostrorum Angliæ, quod nomen milites Angliæ invenirent decimum, &c.* And this was directed to all the Shirefs in *England*. The auncient use in publique lawes.

From this time, there is a breach untill 18. *Hen. 3.* where the next Summons extant, is in a Plea Rolle of that year, but the ordinances are lost, from thence the Records afford us no light until the 49 of the same King, where then the Sommons to the Bishops, Lords, Knights, and Burgessees are much in manner, though not in matter alike to the use in our times, this Parliament was called to advise with the King *pro pace asscuranda & firmanda*, they are the words of the writt; and where advice is required, consultation must be admitted.

To this King succeded *Edward* the first, his Sonne, a wise, just, and fortunate Prince. In his Raigne we have no light of publique Councell of this kind; And so along to the fourth of his Granchild, but what we borrow out of the Rolles of Summons, wherein the forme stood various according to the occasions, untill it grew constant in the forme it is, about the entring of *Richard* the second, the Journall Rolles being spoiled by the injury of time or private ends.

This King in the fift of his Raigne called a Parliament, and therein advised with his Lords and Commons, for suppressing *Llewellyn* Prince of *Wales*: And hearing that the French King intended to invade some peeces of his inheritance

heritance in France, summoned a Parliament *ad tractandum, ordinandum, & faciendum cum Prelatis, Proceris & aliis Incolis Regni, quomodo huiusmodi periculis & excogitatis militiis sit obviandum*; inserting in the writt, that it was *Lex notissima & provida circumspetione stabilita*, that that *quod omnes tangit, ab omnibus approbaretur*. In the thirty fourth of his Raigne *super ordinatione & stabilimento Regni Scotiæ*, he made the like convention.

His Sonne, the second Edward, *pro solemnitate Sponsalium & Coronationis*, consulted with his people in his first year, in his sixth yeare, *super diversis negotiis statuum Regni & expeditione Guerræ Scotiæ specialiter tangentibus*; he assembled the States to advise; the like he did in his eight year; The French King having invaded Gascoigne in the thirteenth yeare, The Parliament was called *super arduis negotiis Statuum ducatus Vasconiæ tangentibus*; And in the sixteenth to consult *ad refrænandam Scotorum obstinantiam & malitiam*.

Before Edward the third would resolve in his first year, whether Peace or warre with the Scotish King; he summoned the Peeres and Commons *super præmissis tractare & concilium impendere*.

The Chancellour Anno the fifth decelareth from the King, the cause of that Assembly, that it was to consult and resolve, whether the King should proceed with France for recovery of his Seignories, by Alliance of marriage or by warre; And whether to redresse the disobedience of the Irish, he should passe in person or no.

The year following he reassembled his Lords and Commons, and required their advice, whether he should undertake the holy expedition with the French King, or no? The Bishops and Proctors of the Clergy would not be present, as forbidden by their Canons such Councils. The Peeres and Commons consult, applauding the Religious and Princely forwardnesse of their Sovereigne to this holy enterprize, but humbly advise forbearance this year, for urgent reasons.

The same yeare though at another Session, the King demanding the advice of his people, whether he should passe into France to an interview as was desired, for expediting the treatie of Marriage; The Prelates by themselves, the Earles and Barons by themselves, and the Knights of Shires by themselves, consulted apart, for so are the Records, and in the end resolved, that to prevent some dangers likely to arise from the North: it would please the King to forbear his journey, and to draw towards those parts where the perils were feared, his presence being the best prevention; which advice hee followed.

In the following Parliament at York, the King sheweth how by their former advise he had drawn himselfe towards the North-parts, and now againe he had assembled them to advise further for his proceedings. To which the Lords and Commons having consulted apart, pray further time to resolve, untill a full assembly of the States, which the King granting, adjourneth that Session.

At their next meeting they are charged upon their Allegiance and Faith, to give the King their best advice; the Peeres and Commons consulting apart, delivered their opinions; And so the Parliament ended.

In the thirteenth yeare, the Grantees and Commons are called to consult, and advise, how the domestique quiet may be preserved, and marches of *Scotland* defended, and the Sea scoured from enemies. The Peeres and Commons having apart consulted, The Commons after a desire not to be charged to counsell in things *de queux ils n'ount pas cognizance*, answers that the Guardians of the Shires assisted by the Knights may effect the first, if pardons of felons bee not granted: The care of the marches they humbly leave to the King and his Council, And for the safeguard of His Seas, they wish that the Cinque Ports and Maritime Townes; discharged for the most part from many Burthens of the Inland parts, may have that left to their charge and care; and that such as have Lands near the Courts be commanded to reside on those possessions.

The Parliament is the same yeare reassembled, *advisamento Prelatorum, Procerum, nec non Communitatis*, to advise *de expeditione Guerra in partibus transmarinis*. At this Ordinance Resolutions are made for provision of Ships, arraying of men for the marches and defence of the Ile of *Jersey*, naming such in the Records, as they conceived fit for those imployments.

The next yeare *de la Poole* accompteth the Expences of the warre; a new ayde is granted, and by severall Committees, in which divers were named that were not Peeres of Parliament, the safeguard of the Seas, and defence of the Seas are consulted of.

In the fifteenth yeare *de assensu Prælatorum Procerum, & aliorum de Concilio*, the Kings passage into *France* is resolved of.

Anno. 17. *Badlesmore* in place of the Chancellour declareth unto the Peeres and Commons; that whereas by their assents the King had undertaken the warres in *France*, and that by the mediation of the Pope a Truce was offered; which then their Sovereign forbore to entertain without their allowance; The Lords apart consult, and also the Commons, returning by Sir *William Trussell* in answer their advise, and desiring to compose the Quarrell, approve the Truce and the Popes mediations, The Popes undertaking proving fruitlesse, and delays to the *French* advantagious, who in the mean time with *Scotland* and others practised to roote out the *English* his Parliament the yeare following; in which the Peeres and Commons after many dayes of deliberation, resolve to end it, either by Battaille or Peace, and no more to trust upon the mediation or message of his Holinesse.

In the 21. yeare the Chiefe Justice *Thorpe* declaring to the Peeres and Commons, that the *French* Warres began by their advice; the Truce after by their assents accepted and now ended. The Kings pleasure was to have their Counsells in the prosecution. The Commons being commanded, *que ils se devoient faire assembler, & s'ils eussent agree le devoient monetre au Roy & al Grantees de son Councill*, after 4. daies consultation, humbly desire of the King, that he would bee advised herein by his Lords and others of more experience than themselves in such affaires.

To advise the King the best for his *French* Imployments, a Parliament was summoned *Anno 25.* herein the King by a more publique dispatch willeth the Com-

Commons to elect 24. or 30. of their House to consult with the Lords, these to relate to their fellowes, and the Conclusion generall to the King.

In the 27. a great Councell is assembled, many of the Lay Peeres, few of the Clergy; and of the Shires and Burroughs but one a piece. This was for the prosecution of the *French* warres, when an honourable Peace could not bee gotten; But the yeare following a Truce being offered, the King forbore to entertaine it, untill he had the consent of his Peeres and Commons which they in Parliament accorded unto before the Pope's notary by publique Instrument.

The dallying of the *French* in the conclusion of Peace; and the falling off of the Duke of *Brittaine* (having wrought with *France* by the reputation of the *English* successours) is the yeare following declared in Parliament, and their advice and ayde required for the Kings proceedings.

In the thirty-sixth yeare he calleth his Parliament to consult whether Warre or Peace by *David* the King of *Scots*, then offered, should be accepted.

In the fortieth yeare the Pope demanding the Tribute of King *John*, the Parliament was assembled; where after consultation apart, the Prelates, Lords, and Commons advised the denyall, although it bee by dint of sword.

In the forty-third yeare the King declared to the Peeres and Commons, that the *French*, against the Articles of the Truce, refused payment of the monies, and delivery of the Townes, summoning *La Brett*, and others of the Kings Subjects in *Gascoigne*, to make at *Paris* their appeales, and had forraged his Countrie of *Poitiers*: requiring in their breach, whether hee might not resume the style and quarrell of *France*. The Lords and Commons having apart consulted, advise the King to both, which he approving, altered the inscription and figure of his Seale.

Two yeares after it was declared to the Peeres and Commons, that by their advise he had resumed the Style and Quarrell of *France*; and therefore desired their advise for the defence of the Realme against the *French*, securing of the Seas, and pursuing of the Warres; Of which they consult, and resolve to give the King an ayde. The like Counsell and supply was the very next yeare following.

In the fiftieth yeare, a Parliament to the purpose of the former two, was summoned; and the yeare following, the King in Parliament declaring how the *French* had combined under hand against him with *Spaine* and *Scotland*, required their advice, how peace at home, the Territories abroad, security of the Seas, and charge of the Warre, might be maintained,

I have the longer insisted in observing the carriage of these times so good and glorious, after ages having not left the Journall entries of Parliament so full, which therefore with a lighter hand I will passe through.

Richard the second, the Grandchilde succeeded to the Crown and troubles, having nothing worth his great fortunes, but his great Birth. The first of his Raigne, hee pursued the steps of his wise Grandfather, advising with his Peeres and Commons, how best to resist his enemies that had lately wronged divers of his Subjects on the Sea coasts,

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In the second yeare hee againe consulted with his people, how to withstand the *Scotts*, who then had combined with the *French* to break the Truce.

In the third yeare hee called the advise of his Parliament, how to maintaine his Regality, impaired by the Popes Provisions; how to resist *Spaine*, *France*, and *Scotland*, that had raised Warres against him; how to suppress his Rebels in *Guyon* and *Ireland*, and to defend the Seas.

In the fourth yeare of his Raigne he called the like at *Windfor*. The yeare following in a great Councell, the King having purposed a Royall voyage into *France*, now called his Parliament to determine further of it. And it is worthy your observation, that for the most part before any propositions of Warre or Peace were vented to the Commons, a Debate thereof precedeth in the great Councell to shape it fitter for popular advice. The quarrell with *Spaine* continuing, the Duke of *Lancaster* offereth a voyage against them, so as the State will lend him money: after consultation they grant an aide, but not to bind them to any continuance of warre with *Spaine*.

In the sixth the Parliament was called to consult about the Defence of the Borders, the Kings Passions beyond the Seas, *Ireland* and *Gascoyne*, his Subjects in *Portugall*. The Lords approve the Dukes intentions for *Portugall*, and the Commons that the Bishop of *Norwich* having the Popes Crosier should invade *France*. The same yeare the State was called againe to consult whether the King should goe in person to rescue *Gaunt* or send his Army. The Commons after two dayes debate, craved a Conference with the Lords. The effect is not entred in the Rolle onely they by Sir *Thomas Puckering* their Speaker, protest that Councells for War did aptly belong to the King and his Lords, yet since the Commons were commanded to give their Advice, they humbly wished a voyage by the King, if not, that the Bishop of *Norwich* might with the advantage of the Popes Crosier be used in that Service, who accepted the charge with ill successe, he further for the Commons prayeth, that the Kings Uncles should not be spared out of the Realme before some Peace was settled with the *Scotts*; And that the Lord *de Lar-spar* sent with Propositions of Peace from *Spaine* might first bee heard.

The Chancellor in the seventh yeare in name of the King willethe the Lords apart, and so the Commons to consult, whether Peace or Warre with *Scotland*, and whether to resist or assault the Kings Adversaries of *Spaine*, *France*, and *Flanders*: Their Opinions are not entred in the Rolles, an omission usuall to the Clarkes neglect, onely their Petitions are recorded, that the Bishop of *Norwich* may accompt in Parliament the expence of the money, and be punished for his faults in the service, which hee undertooke, both which are granted. And at the next Session in the same yeare, the Commons are willed to advise upon view of the Articles of peace with the *French* whether Warre or such Amitie should bee accepted? They modestly excuse themselves as too weak to Counsell in so weighty causes; But charged againe as they did tender their honour, and the right of the King; they make their Answer, giving their Opinions rather for Peace than Warre.

Peace with *France* not succeeding, in the eighth year, the body of the State was called to advise, whether the King in his owne person, or by sending

ing Forces against the *French*, *Spaine*, *Flanders* and *Scotland*, should proceed.

The King having this yeare assembled at *Oxon* his great Councell to advise, whether he should passe the Seas or no, with an Army Royall; and they not daring to assent without a greater Councell: A Parliament the tenth yeare was called to have the advice of the Commons, aswell as of the Lords, how the Realme should be governed in their Sovereignes absence.

The Truce with *France* now neare expired, the Parliament was called in the thirteenth yeare to advise upon what condition it should be renewed: otherwise how the charge of Warre should be sustained. At this Assembly and by consent of all, the Duke of *Lancaster* is created Duke of *Aquitaine*, the Statutes of provision were now passed, and the Commons are named a party, in the letter to the Pope.

The yeare succeeding a Parliament is called, for that the King would have the advice of his Lords and Commons for the Warre with *Scotland*, and would not without their Counsell conclude a finall peace with *France*.

The like Assembly for the same causes was the yeare ensuing, wherein the Commons desire the King to use a Moderation in the Law of provision, to please at this time their Holy Father, So as the Statute upon their dislike might againe be executed, And that to negotiate the Peace with *France*, the Duke of *Aquitaine* might rather than any other be employed, to conclude of the Treatie with *France*; for the King in the seventeenth calleth a Parliament, the Answer of the Lords is left unentred in the Roll, but the Commons upon their faith and allegiance charged, advise that with good moderation, homage may be made for *Guyen*, an appenage of the *French* Crowne, so as it intrench not to involve the other peeces of the *English* conquest, their answer is modest, large, and worthy of mark.

Hen. 4th. Now succeeded, a man that studied all popularitie, as needing all to support his Titles, He in the fifth yeare called a Parliament, to suppress the malice of the Duke of *Orleance*, and to advise for the wars in *Ireland* and *Scotland*, neither counsels or supplies are entred in the Roll, and to resist an Innovation intended by *France* and *Britaine*, he assembleth the State againe.

The like was in two yeares following for *France*. In this the Commons confer with the Lords for Guard of the Sea, and make many Ordinances to which the King assented: the peace with the Merchants of *Pruce*, and the *Hanstownes* is debated, and a Proclamation published as they resolve; by the Speaker the Commons complaine of 96 Peeces of Ordnance lost in *Guyen* the yeare before, the need of defence for the Borders, and Guard of the Sea coasts. To suppress the Rebellion in *Wales*, and the disloyalty of the Earle of *Northumberland*, they humbly desire that the Prince may be dispatched into those parts with speed: and to have a vigilant eye over the *Scottish* Prisoners.

In the tenth the Parliament is commanded to give their advice about the Truce of *Scotland*, and preparation against the malice of the *French*.

Hen. 5. His Sonne, the wise and happy undertaker, consulteth with the Parliament in his first yeare, how to cherish his Allies, and restrain his Enemies,

mies, for this there was a select Committee of the Commons, appointed to conferre with the Lords, the matter being entered into a Schedule, touching *Ireland, Wales, Scotland, Calice, Guyen*, Shipping, Guard of the Seas, and wary provsion to repulse the Enemy.

In the second hee openeth to the Parliament his Title to *France*, a quarrell he would prosecute to death: if they allowed and ayded; Death is in this Assembly, enacted to all, that either break the Truce, or the Kings safe conduct.

The yeare following, peace being offered by the *French* King, and the King of the *Romans* arrived to effect the Worke, the King refuseth any conclusion, untill hee had thereunto the advice and assent of his Lords and Commons, which occasion the Chancellour declareth to that Assembly.

In the fourth and fifth, no peace concluded with *France*, the King calleth the State together to consult about the Warre, concluding a Treaty of Amity with *Sigismund* King of the *Romanes*, by the allowance of the three States, and entreth the Articles in the Journall Rolle. In the same yeare by the Duke of *Bedford*, in the Kings absence a Parliament was called to the former purposes, as it appeareth by the Summons, though in the Rolle omitted.

The like in the seventh year. And the Treaty with *France* is by the Prelates, Nobles and Commons of the Kingdome perused and ratified in the tenth yeare of this King.

Hen. 6. His Sonne more holy than happy succeeded, and adviseth in the second year with the Lords and Commons for the well keeping of the peace with *France*, consulteth with them about the delivery of the *Scottish* King, and the conclusion is confirmed by common assent. In the third yeare they are called to advise and consent to a new Article in the league with *Scotland*, for charge of Hostage, and in the ninth yeare conclude of certaine persons by name, to treat a peace with the Dolphin of *France*.

The Treaty of *Arras*, whither the Pope had sent as mediators two Cardinals not succeeding; the King in Parliament, *Anno 14.* sheweth that he must either loose his Title, Stile, and Kingdome of *France*, or else defend it by force: the best meanes for provsion whereof he willeth them to advise him.

He summoneth again the next yeare the same Councel to advise how the Realme might be best defended, and the Sea kept safe against the Enemies.

In the twentieth the Commons exhibite a Bill for Guard of the Sea, the number of ships, asseffe wages, and dispose of any Prizes if any fortune, To which the King accordeth; And that the *Genowaies* might be declared Enemies, for assisting the *Turk* in spoyle of the Knights of *Rhodes*, And that the priviledge of the *Pruce* and *Hanstownes* might be suspended, untill composition be made to the *English* for wrongs they had done them. To the which in part the King accordeth.

The King by the Chancellour declareth in Parliament, that the Marriage with *Margaret* the King of *Sicily* his daughter was contracted. For inducing the peace made with *France*. Against the which the Lords not by their advise effected, make a protestation, and enter it on the Rolle.

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The King intending to passe in person into *France*, there to treat of Peace with the King, adviseth with his Lords and Commons in Parliament, and letters of Mart are granted against the *Brittaines* for spoyles done to the *English* Marchants.

The Lord *Hastings* and the Abbot of *Cloue*, declare in Parliament the preparation of the *French*, the Breach by them of the Peace, the weake Defence of *Normandy*, and the expiration shortly of the Truce: requiring speedy advice and remedie.

It was enjoyned by the Parliament to provide for the Defence of the Sea and Land, against the *French*.

It was commanded by the King to the States assembled, to advise for the well ordering of his House, payment of his Souldiers at *Calice*, Guard of the Seas, rayfing of the Siege at *Berwike* made by the *Scots* against the Truce: Disposing of 1300. Souldiers raised the last Parliament: According of differences amongst the Lords, restraining the transportation of Gold and Silver, and quieting the Disorders in *Wales*, of all which, Committees are appointed to frame Bills.

Edward the fourth by the Chancellour declareth to the Lords and Commons, that having made peace with *Scotland*, entred league with *France* and *Denmark*, contracted with *Burgundy* and *Brittaine* for their aide for the recovery of his right in *France*, he had now assembled them to give their Counsell in proceeding, which charge in a second Session was again pressed unto them. The like was at another Parliament held in the eleventh yeare.

After this time the Journalls of Parliament have bin either not well preserved, or not carefully entred; for I can find of this nature no Records, untill the first of *Henry* the seaventh, wherein the Commons by *Thomas Lovell* their speaker, petition the King to take to wife *Elizabeth* the daughter of *Edward* the fourth, to which the King at their request doth agree.

The next is the third of *Henry* the eighth in which from the King, the Chancellour declareth to the States the cause of that Assembly to be first, to advise a course for resisting the innovation of the *Scots*: the next, how to quiet the quarrell between the King of *Castile*, and the Duke of *Gelders*, lastly for assisting the Pope against *Lewis* of *France*, whose Bull expressing the injuries done the See Apostolique, was read by the Master of the Rolles in open Parliament, after which the Chancellour, there and other Lords were sent downe unto the Commons to confer thereof.

The last is in the two and thirtieth yeare wherein the Chancellour remembering the many troubles the State had undergone in doubtful Titles of Succession, declareth, that although the Convocation had judged void the marriage with *Anne* of *Cleve*, yet the King would not proceed without the Counsell of the States, whereupon the two Arch-bishops are sent downe to the Commons with the sentence sealed, which being there discussed, they passe a Bill against the Marriage.

In all these passages of publique Counsels, I still observe, that the Sovereigne Lord either in best advise, or most necessitie would entertaine the

Commons with the weightiest causes, either forreine or domestique, thereby to apt them and bind them to a readines of Charge, And they as warily avoiding it to shune expence.

The PETITION of RIGHTS, Exhibited to his Maiestie, by the LORDS Spirituall and Temporall, and COMMONS in PARLIAMENT assembled, concerning divers Rights and Liberties of the Subjects: with the Kings Majesties severall Answers thereunto. With his Majesties Declaration upon the same.

To the Kings most Excellent Maiestie.

HUmblly shew unto Our Sovereigne Lord the KING, the LORDS Spirituall and Temporall, and Commons in Parliament assembled, That whereas it is declared and enacted by a Statute made in the time of the Reigne of King *Edward* the first, commonly called *Statutum de Tallagio non concedendo*, That no Tallage or Ayde shall be laid or levyed by the King or his Heires in this Realme, without the good will and assent of the Archbishops, Bishops, Earles, Barons, Knights, Burgeses, and other the Freemen of the Commonalty of this Realme. And by Authority of Parliament holden in the five and twentieth yeare of the Reigne of King *Edward* the third, it is decreed and enacted, That from henceforth no person should be compelled to make any Loanes to the King against his Will, because such Loanes were against reason, and the Franchise of the Land. And by other Lawes of this Realm it is provided, that none should be charged by any charge or Imposition called a Benevolence, nor by such like charge, by which the Statutes aforementioned and other the good Laws and Statutes of this Realme, your subjects have inherited this Freedome; That they should not bee compelled to contribute to any Taxe, Tallage, Ayde, or other the like Charge, not set by common consent in Parliament.

Yet neverthelesse of late, divers Commissions directed to fundry Commissioners in severall Counties, with instructions, have issued; by meanes whereof your people have beene in divers places assembled, and required to lend certaine summes of money unto your Maiestie, and of them upon their refusal so to doe, have had an Oath administred unto them, not warrantable by the Lawes or Statutes of this Realm, and have beene constrained to become bound to make appearance, and give attendance before your Privie Councell, and in other places; and others of them have beene therefore Imprisoned, confined, and fundry other waies molested and disquieted. And divers other charges have beene levyed upon your people in severall Counties, by Lord Lieutenants, Deputie-Lieutenants, Commissioners for Musters, Justices

Iustices of Peace, and others by Command of or Direction from your Majesty, or your Privie Councill, against the Lawes and free Customes of the Realme.

And whereas by the Statute called, *The great Charter of the Liberties of England*, It is declared and enacted, That no Freeman may be taken or imprisoned, or be disseised of his Free-hold, or Liberties, or his free Customes, or be outlawed, or exiled, or in any manner destroyed, but by the lawfull Iudgment of his Peers, or by the Law of the Land.

And in the eight and twentieth year of the reigne of KING *Edward* the third, it was delared, and enacted by authority of Parliament, that no man of what estate and condition that hee bee, should be put out of his Land or Tenements, nor taken nor imprisoned, nor disherited, nor put to death without being brought to answer by the Proceffe of Law.

Neverthelesse against the tenour of the said Statutes, and other the good Lawes and Statutes of your Realme, to that end provided, divers of your Subiects have of late been imprisoned without any cause shewed: And when for their deliverance they were brought before your Iustices by your Majesties Writs of *Habeas Corpus*, there to undergo and receive as the Court should order, and their keepers commanded to certify the causes of their detainer, no cause was certified, but that they were detained by your Majesties speciall command, signified by the Lords of your Privie Councill, and yet were returned back to severall prisons, without being charged with any thing to which they might make answer according to Law.

And whereas of late, great Companies of Souldiers and Marriners, have beene dispersed into divers Counties of the Realme, and the Inhabitants, against their wills, have been compelled to receive them into their houses, and there to suffer them to sojourne against the Lawes and Customes of this Realme, and to the great grievance and vexation of the people.

And whereas also by authority of Parliament, in the five and twentieth yeare of the Raigne of King *Edward* the third, it is declared and enacted, that no man should be forejudged of life or limbe against the forme of the *Great Charter* and the Law of the Land; And by the said *Great Charter*, and other the Lawes and Statutes of this your Realme, no man ought to be adjudged to death, but by the Lawes established in this your Realme, either by the Customes of the same Realme, or by Acts of Parliament. And whereas no offender, of what kinde soever, is exempted from the proceedings to bee used, and punishments to be inflicted by the Laws and Statutes of this your Realme: Neverthelesse, of late time divers Commissions under your Majesties great Seale have issued forth by which certaine persons have beene assigned and appointed Commissioners with power and authority to proceede within the land, according to the Iustice of Martiall Law, against such Souldiers or Marriners, or other dissolute persons joining with them, as should commit any murther, robbery, felony, mutiny, or other outrage, or misdemeanor whatsoever, and by such summary course and order, as is agreeable to Martiall Law, and as is used in Armies in time of Warre, to proceede to

the tryall and condemnation of such offenders, and them to cause to be executed and put to death according to the Law Martiall.

By pretext whereof some of your Maiesties Subiects have beene by some of the said Commissioners put to death, when and where, if by the Lawes and Statutes of the Land if they had deserved death, by the same Lawes and Statutes also they might, and by no other ought to have been judged and executed.

And also fundry grievous offenders by colour thereof, claiming an exemption have escaped the punishments due to them by the Lawes and Statutes of this your Realme, by reason that divers of your Officers and Ministers of Iustice have uniuersally refused or forbourned to proceede against such offenders, according to the same Lawes and Statutes, upon pretence that the said offenders were punishable onely by Martiall law, and by authority of such Commissioners as aforesaid. Which Commissioners and all other of like nature are wholly and directly contrary to the said Lawes and Statutes of this your Realme.

They doe therefore humbly pray your most Excellent Maiestie, that no man hereafter be compelled to make or yeeld any Gift, or Loane, Benevolence, Taxe, or such like Charge, without common consent by Act of Parliament. And that none bee called to make answer, or to take such Oath, or to give attendance, or be confined, or otherwise molested, or disquieted, concerning the same, or for refusall thereof. And that no Freeman, in any such manner as is before mentioned, bee imprisoned or detained. And that your Maiestie would be pleased to remove the said Souldiers and Marriners, and that your people may not bee so burthened in time to come. And that the foresaid Commissioners for proceeding by Martiall Law, may be revoked, and annulled. And that hereafter no Commissions of like nature may issue forth to any person or persons whatsoever, to be executed, as aforesaid, least by colour of them any of your Maiesties Subiects be destroyed or put to death, contrary to the Lawes and Franchise of the Land.

All which they most humbly pray, of your most Excellent Maiesty, and their Right and Liberties, according to the Lawes and Statutes of this Realme. And that your Maiestie would also vouchsafe to declare the Awards, doings and proceedings, to the prejudice of your people, in any of the premisses, shall not bee drawne hereafter into consequence or example. And that your Maiestie would be also graciously pleased, for the further comfort and safety of your people, to declare your Royall will and pleasure, that in the things aforesaid, all your Officers and Ministers shall serve you, according to the Lawes and Statutes of this Realme, as they tender the Honour of your Maiesty, and the prosperitie of this Kingdome.

Which Petition being read, the Kings answer was thus delivered unto it.

THe King willeth, that Right be done, according to the Lawes and Customes of this Realme; And, that the Statutes bee put in due execution, that his Subiects may have no cause to complaine of any wrong
or

or oppositions contrary to their just rights and Liberties: To the preservation whereof, He holds himselfe in conscience aswell obliged, as of his Prerogative.

But this Answer not giving satisfaction, the King was againe Petitioned unto that Hee would give a full and satisfactory Answer to their Petition in full Parliament.

Whereupon the King in Person, made this second Answer.

My Lords and Gentlemen.

THe answer I have already given you, was made with so good deliberation, and approved by the Iudgment of so many wise men, that I could not have imagined, but that it should have given you full satisfaction, but to avoid all ambiguous interpretations, and to shew you that there is no doublenesse in my meaning, I am willing to please you in words, as well as in substance. Read your Petition, and you shall have an answer, that I am sure will please you.

And then causing the Petition to be distinctly read by the Clerke of the Crowne. The Clerk of the Parliament read the Kings Answer thereto in these words.

Soit droit fait come est désiré. Let right be done as is desired.

Which being done, The King in person said thus.

THis I am sure is full, yet no more then I granted you in my first Answer: for the meaning of that was, to confirm all your Liberties, Knowing according to your owne protestations, that you neither meane, nor can hurt my Prerogative: And I assure you, my Maxime is, That the Peoples Liberty strengthens the Kings Prerogative, and that the Kings Prerogative, is to defend the Peoples Liberties.

Ye see now, how ready I have shewed myselfe to satisfie your Demands, so that I have done my part: Wherefore if this Parliament has not a happie conclusion the sinne is yours, I am free of it.

And on the last day of the Session, His Maiesties Speech to both Houses before His assent to the Bills, was this,

My Lords and Gentlemen.

IT may seeme strange that I come so suddenly to end this Session, therefore before I give my assent to the Bills, I will tell you the Cause, though I must avow that I owe an account of my Actions to none but God alone. It is knowne to every one, that a while ago the House of Commons gave mee a Remonstrance how acceptable every man may judge, and for the merit of it, I will nat call that in question for I am sure no wise man can justifie it.

Now

Now since I am certainly informed that a second Remonstrance is preparing for me to take away my profit of a Tonnage & Poundage (one of the chiefe maintenances of the Crowne) by alledging that I have given away my right thereof, by my Answer to your Petition:

This is so prejudiciall unto me, that I am forced to end this Sessions some few howers before I meant it, being willing not to receive any more Remonstrances, to which I must give a harsh answer.

And since I see that even the House of Commons begins already to make false constructions of what I graunted in your Petition lest it be worse interpreted in the Country I will now make a Declaration concerning the true intent thereof.

The profession of both Houses in the time of hammering this Petition, was no waies to trench upon my Prerogative saying, They had neither intention nor power to hurt it.

Therefore it must needs be conceived, that I have granted no new, but onely confirmed the ancient Libertie of my Subjects, yet to shew the clearenesse of my intentions, that I neither repent nor meane to recede from any thing I have promised you, I doe here declare, that those things which have heene done, whereby men had some cause to suspect the Liberty of the subjects to be trencht upon (which indeede was the first and true ground of the Petition shall) not hereafter be drawne into examples for your prejudice. And in time to come (in the words of a King) you shall not have the like cause to complaine.

But as for Tonnage and Poundage it is a thing I cannot want, and was never intended by you to aske, never meant (I am sure) by me to grant.

To conclude, I command you all that are heere, to take notice what I have spoken at this time, to be the true intent and meaning of what I granted you in your Petition. But especially you my Lords, the Iudges for to you onely under me belongs the interpretation of Lawes; for none of the House of Parliament, joyntly or seperate, (what new doctrine soever may be raised) have any power, either to make or declare in Law without my consent.



A Worthy SPEECH spoken by his Excellence the Earle of *ESSEX*, in the Head of his Armie, before his Arrivall at *Worcester*, on Saterdag last, being the 24. of *September*, 1642. Wherein is declared every particular Order and Duty which his Excellence expects to be performed both by his Commanders and Souldiers.

With a Royall Protestation taken by his Excellence, and by him prescribed to be taken throughout the Armie.

Gentlemen and fellow Soldiers, which are at this time assembled for the Defence of his Majestie, and the maintenance of the true protestant Religion under my command, I shall desire you to take notice what I that am your Generall shall by my Honour promise to performe toward you, and what I shall be forced to expect that you should performe toward me.

I do promise in the sight of Almighty God, that I shall undertake nothing, but what shall tend to the advancement of the true protestant Religion, the securing of his Majesties Royall Person, the maintenance of the just privilege of Parliament, and the Liberty and Property of the Subject; neither will I ingage any of you into any danger but (though for many reasons I might forbear) I will in my owne person runne an equall hazard with you, and either bring you off with Honour, or (if God have so decreed) fall with you, and willingly become a Sacrifice for the Preservation of my Country.

Likewise I doe promise that my eare shall be open to heare the complaint of the poorest of my Souldiers, though against the chiefest of my Officers: neither shall his greatnesse (if justly taxed) gaine any priviledge, but I shall be ready to execute Justice against all from the greatest to the least.

Your pay shall be constantly delivered to your Commanders, and if default be made by any Officer, give me timely notice, and you shall find speedy redresse.

This being performed on my part, I shall now declare what is your duty toward me, which I must likewise expect to be carefully performed by you.

1. *I shall desire All and every Officer to endeavour by love and affable carriage to command his Souldiers, since what is done for feare, is done unwillingly, and what is unwillingly attempted can never prosper.*

Likewise tis my request that you be very carefull in the exercising of your men, and bring them to use their Armes readily and expertly, and not to bussey them in practising the ceremonious formes of Military discipline, onely let them be well instructed in the necessary rudiments of Warre, that they may know how to fall on with discretion, and retreat with care, how to maintain their Order, and make good their ground.

Also

Also I do expect that all those which voluntarily ingaged themselves in this Service, should answer my expectation in the performance of these ensuing Articles.

1. That you willingly and cheerefully obey such as (by your own election) you have made Commanders over you.

2. That you take speciall care to keepe your Armes at all times fit for Service, that upon all occasions you may be ready when the signall shall be given by the sound of Drumme or Trumpet to repaire to your Colours, and so to march upon any Service where, and when occasion shall require.

3. That you beare your selves like Soldiers, without doing any spoile to the inhabitants of the Country, so doing you shall gaine love and friendship, whereas otherwise you will be hated, and complained off, and I that should protect you, shall be forced to punish you according to the severity of Law.

4. That you accept and rest satisfied with such quarters as shall fall to your Lot, or be appointed you by your quarter-master.

5. That you shall (if appointed for Centries or Per-dues) faithfully discharge that duty; for upon faile hereof, you are sure to undergo a very severe censure.

6. You shall forbear to prophane the Saboth, either by being drunke, or by unlawfull games for whosoever shall be found faulty must not expect to passe unpunished.

7. Whosoever shall be knowne to neglect the feeding of his Horse with necessary Provender, to the end that his Horse be disabled or unfit for Service, the party for the said default, shall suffer a months imprisonment, and afterward be cashiered as unworthy the name of a Souldier.

8. That no Trooper or other of our soldiers shall suffer his Paddee to feed his Horse in the Corne, or to steale mens hay, but shall pay every man for Hay 6 d. a day and night, and for Oats 2 s. the Bushell.

Lastly, that you avoid cruelty; for it is my desire rather to save the life of thousands, than to kill one, so that it may be done without prejudice.

These things faithfully performed, and the justice of our cause truly considered, let us advance with a religious courage, and willingly adventure our lives in the defence of the King and Parliament.

The REMONSTRANCE of the COMMONS of
ENGLAND, to the House of COMMONS assembled
in PARLIAMENT. Preferred to them by the Hands
of the SPEAKER.

Master Speaker,

PRejudge us not, we pray you, because the title of this paper is a Remonstrance, not a Petition; the cause is, for that Petitions have had ill successe of late, yet the matter will be the same, though the forme differ.

We

We send this (whatsoever ye will call it) to the Honourable House of Commons, who are the representative Body of the whole Commons of England, and we desire to present it by you who are the Speaker of that House.

The end of our desire is Peace, and we hope we shall not erre in the way, when we intreat you to be our Mediatour. Master Speaker, all that we desire of you, is to deliver this to the House, to procure it to be read, and to obtain as good an answer unto us, as you may.

And now we addresse our selves to the honourable House it selfe.

WHEN this Parliament was called (after several unhappy breaches of some former) we comforted our selves with a hope of a redresse of all our grievances, and we made choice of you for our *Knights, Citizens and Burgessees*, to serve for us there, and we did put our confidence in you, and believed that you according to our trust without any by respects, would have studied onely the peace and good of the Kingdom, and we cannot be yet out of hope, but that ye will performe in the end.

But you must not take it amisse, if as persons grieved, we tell you where our griefes lie. And to prepare our Cure the better, we must desire you to call to your remembrances.

1. That we are still the true body of the Commons of *England*; you, but the representatives.

2. That wee have not so delegated the power to you, as to make you the governors of us and of our estates, you are in truth but our Procurators, to speak for us in the great Councell.

3. That in right we ought to have acceffe to those whom we have thus chosen, and to the whole House, as there shall be cause to impart our desires unto you, and you ought not to refuse us.

4. That by involving our votes in yours, we had no purpose to make you perpetuall Dictators.

5. That we never intended, that you should have that latitude of power as to imbarke us all in a Civil War, to the destruction of us and our posterities.

6. Much lesse had we a thought, that by any of your votes ye would or could draw us into any Acts of disloyalty or disobedience against our naturall Leige Lord, to whom by the lawes of God and man, we doe owe and will pay all allegiance and fidelity.

Wherefore, we must claim this freedome which belongs unto us, as freeborne Subjects, and as persons interested in the good and safety of this Kingdom, as well as your selves, that ye will speedily take those things into your wise and religious Considerations, which belong to our peace, and which we out of the deep sence of our present miseries, and of the apparent ruine of us all (if not timely prevented) do now offer unto you.

None of which shall be any new fancies, or dreames of distempered braines, but shall be such as have their grounds upon apparent truth, and a cleere evidence.

For first, we doe professe to all the world that wee are resolved with our lives and fortunes to maintaine the true Protestant Religion established by the

Laws in this Church of *England*. To maintain our well settled Government under a Monarchie, according to the knowne Laws of this Land. To maintaine the just libertie of our persons and Property of our Estates, according to the Rule of those Laws. To maintaine the just priviledges of Parliament, without which our Laws can hardly be continued.

And in the asserting of these, we beleve we have the concurrence of both the Houses of Parliament, for such have been their daily Protestations from time to time.

And for the Kings Majesties Opinion herein; he hath by many declarations, solemne protestations and religious vows, before God and Man, declared himselfe so fully and so freely, that it is his unchangeable Resolution to live and die in the maintenance of all these; that we hold our selves bounden in reverence to his person, and in Christianity, to beleve that he will faithfully perform his word with his people.

And we have this further assurance thereof, in that he hath descended so low from his Throne, as to acknowledge some errors which have slipt him in his by-past government, and to undertake not to give way to the like hereafter.

We wish with all our hearts, that you would with the same ingenuity acknowledge your errors also, and amend them; so might we soone (by Gods blessing) have our peace restored again, and by your industries made a happy Nation.

Let us then cleerely and freely expresse in what things wee find our selves grieved, which have beene voted, ordered, and acted by you during this Parliament, whereby the cure intended is become worse than the disease under which we formerly languished; and we must with as much clearnesse and freedome protest against them, if they be not speedily reformed and remedied.

The Particulars are these.

1. That under the colour of advancing the true Protestant Religion, encouragement is given to *Anabaptists*, *Brownists*, and all manner of Sectaries, which multiply in every Corner; which must be reformed, or our true Religion is lost.

2. Under the pretence of hatred of Popery (which we also detest, as far as their superstitions and idolatrous tenets are inconsistent with the true reformed Protestant Religion) the book of Common-Prayer (which is established by Law) is cryed down by many, and all decent orders in Gods outward worship; and every man left to the dictate of his private spirit: but let the Laws against Papists and Sectaries (the two extreames) be put in due execution, we shall thank you for it.

3. Under the colour of regulating the Ecclesiastical Courts, and taking away the High Commission Court, all spirituall Jurisdiction (for the coercive part thereof, which is the life of the Law) is taken away, so that now no heinous crimes, inquirable by those Courts, as Adultery, Incest, &c. can be punished: No Heresie or Schisme reformed: No Church can be inforced to be repaired: No Church-officers, as Church-Wardens, &c. are compellable to take upon them their offices, or performe their duties, no not to provide

vide Bread and Wine for the Communion: No Parsons or Vicars can be inforced to attend their Cures, or to give satisfaction for the paines of them who doe: No Tithes can be recovered by their Law, nor other Church Duties. We beseech you think what will be the end of these things at the last.

4. Under the name of reforming the Church Government, ye endeavour to take away the function, and very being of Church-Governours, as Bishops, and their Assistants the Deans and Chapters, so to take away the preferments of learned men, and the encouragements of learning: In the name of God let the abuses be taken away, but not the good uses also.

5. For the rectifying of matters amisse in Church Discipline, and some things in Doctrine also, (as is pretended) an Assembly of Divines is propounded to be convoked and consulted with: the matter is right, but the manner is surely amisse, and so wee are likely to lose the benefit of the substance for the errors in the circumstance; which is, That in this intended Convocation, the Divines are not nominated by Divines, who can best judge of their abilities (which is the legall way) the greatest part of those who are named, are knowne or justly suspected to be persons ill disposed to the peace of the Church, and addicted too much to Innovation; you your selves (being all Laymen) are to be the only Judges of what shall be propounded, and what determined; the Divines but your assistants, and the King is totally to be excluded from having any Voice or hand in it: And (as it is propounded) this is to be a perpetuall Convocation, if the Houses of Parliament so please.

6. Under the colour of freedome of Preaching, seditious Sermons are preached daily, even in the hearing of many of yourselves, who traduce the Kings sacred Person, slander His Government, and in expresse termes, encourage the maintaining and continuing of this unnaturall and unchristian civill Warre, and yet none are punished for it; which makes us feare that this is, and long hath been made by some, to be the principal engine to kindle this fire of hell, to the just scandall of all good men, and slander of our Religion, this doctrine comming so close to that of the Jesuites.

7. And divers worthy, learned, and painfull Preachers have been committed to prison by you for delivering their consciences freely and religiously, and preaching obedience to their Sovereigne. These things we observe unto you, as tending mainly against the maintaining and propagation of the true Protestant Religion.

Touching that part which concerneth the maintaining of the Laws, we shall observe also some things unto you, wherein your own practice differs much from your professions: a preposterous way to perswade us or any other by-standers.

1. Ye assume that power to yourselves that ye by a bare Vote without an Act of Parliament, may expound or alter a known Law; whereas the Commons house formerly assumed to themselves no such power, but in order towards the making of a new Law: nor did the House of Peeres challenge any such thing: But they having the power of Judicature, as Judges they proceed according to the rules of the known Lawes, and upon their honours

are answerable for the justnesse of their Judgements, as other Courts are upon their oathes.

2. You make your own orders and ordinances to be as Laws, and compell them to be observed, and with a stricter hand which may binde the members of your House in their priviledges, but have not, nor ever had the force of Laws, untill by both houses and the Kings consent they were confirmed.

3. And for your own observation of the Laws of the Land ye take yourselves to be so far above the reach of them, that by your orders and ordinances ye enjoyn the Judges and Ministers of justice to forbear (contrary to their oaths) to proceed in their ordinary courses, where ye please.

4. Ye make an Ordinance to put the *Militia* of the Kingdom into such hands as ye please, and shall confide in, and this without the King, and expressly against His Command.

5. Ye possesse yourselves of the Navy Royall, and appoint Admiralls and other Officers of Sea without the King, and use those ships against the King himselfe.

6. Ye take the Kings Castles, Forts, and Ports, the places of greatest strength in the Kingdome, and keep them against the King himselfe, as *Hull*, and *Portsmouth*, and *Windsor Castle*; and these three last actions appeare to us to have beene done by Design, for.

7. The pretence at first was for the preservation of the kingdome, against some forreigne Enemy; but when none appeared in many monethes, (and we now believe none such in truth ever were) a warre for the Parliament, against the King himself was raised for the preservation of the King.

8. And those who refuse to joyne in this warre with you, or to contribute unto it, with giving or lending of money, horse, armes &c. ye proscribe as Malignants, and persons ill affected to the Common-wealth; although we see not how it can be lesse then Treason against the King to joyne with you therein.

9. But to all those who are your Commanders or Officers of your Army, ye give large and even profuse entertainments and rewards; but out of our purses, who give you little thanks for it. Thus much may suffice to give a taste how the Laws are and are likely to be maintained in the course we are now in.

And for the Liberty of our persons, and Property of our Estates, we shall say a little in the next place, and by a few particulars judge what we may hope for therein.

1. Ye take the Kings Treasure, ye intercept his revenue, possesse his houses of acceffe, and all these for his own service; and if any attend him or assist him, they are condemned as Malignants, Popish, evil Counsellors, and Enemies to the State.

2. Ye have by messages endeavoured to perswade our Brethren of Scotland to joyne with you in your Rebellion against your Sovereigne, and this was not done by some private men alone, but ordered by the Votes of your House.

3. Ye condemne the Rebels in *Ireland* (and that very justly) for their
horrid

horrid rebellion there, and yet your selves doe greater and more horrid acts of barbarous hostility against your King, even in his own person, in *England*: and when yee have been charged with it, ye would excuse it by saying, that it was not your fault, but the fault of the King himselfe, and of the Counsellors and Cavaliers about him, that he went himselfe in person into the battel, which he did with that magnanimity and Kingly courage, as will adde to his honour and your shame whilst the world endureth. Thus your action is become odious to God and Man, and your excuse for it ridiculous.

4. And as if ye had shaken off all subjection, and your selves become a State independant, ye have treated by your Agents with forraigne States: Such an Usurpation upon Sovereignty as was never yet attempted in this Kingdome.

5. Ye command your owne orders, ordinances, and Declarations to be printed and published *cum privilegio*: But if any thing come from the King, which may truly informe and disabuse the people, ye forbid those to be published, and commit them to prison who do it.

6. That monies advanced by gift, or adventure, or Act of Parliament, and souldiers prepared for *Ireland* to reduce the Rebels there, ye have from time to time diverted to maintaine this unnaturall Warre in *England*; so ye doe visibly loose the Kingdome of *Ireland*, that ye may be the better enabled to loose the Kingdome of *England* also.

7. Ye have shewed your selves so adverse from peace, that ye have voted there shall be no cessation of Armes, lest by a free treaty a peace might ensue; this is your carriage towards the King himselfe.

And lest ye might be accused to be juster to the subject than ye are towards your Sovereigne, these things ye have done to the subject also.

1. Ye have made an Ordinance that the twentieth part of mens estates must be payd towards the maintenance of this Rebellion, and ye appoint those who shall value that twentieth part; and why by the same reason ye take not the tenth part, or the one halfe, we see not; and for the levying of it, ye ordain your Collectors shall distraine for the summe assessed, and sell the distresse; and if no distresse can be found, the persons of these notable offendours are to be imprisoned, and they and their families banished from their habitations.

2. But lest this should not have the colour of Law sufficient to blind the world, ye have lately made an Ordinance for the Inhabitants of the Counties of *Northampton*, *Rutland*, *Derby*, &c. to pay and be assessed (by Assessors named in your Act) in imitation of the Statute lately made for the 400000 *l*, and this, as is probable, shall in convenient time be extended to the whole Kingdome: so ye first cast your selves into a necessity to get money, by making an impious war upon your Sovereigne, and then out of that necessity ye compel your fellow-subjects (who abominate the war) to maintain it.

3. And yee have yet a shorter and a surer way; where yee understand there is any Money, or Plate, or Goods to bee had, ye send a Party of Horse or Dragoons, or other strength, to fetch it as out of an Enemies Countrey, because the owners are good Subjects to the King, or you suspect them to
bee

bee so; and that alone is crime sufficient to apprehend them, to judge them, and take execution upon them, and all this without the Ceremony of Law, by your absolute and omnipotent power, which cannot erre.

4. You discharge Apprentices and Servants from their Masters Services, without consent of their Masters and Dames, and either perswade them or compell them to serve you in your Army against the King: This is indeed the Liberty of the Subject.

5. Ye have imprisoned many for petitioning unto you, (as if that alone were a crime) if the matter of the Petition do not flatter you in your present courses.

6. And others ye have imprisoned, some for petitioning, and some for intending to petition to the King, (as those Gentlemen of *Hertfordshire* and *Westminster*) And yet God be praised, the way is open to petition to him in Heaven, and he will heare us in his good time.

Lastly, for your Priviledges of Parliament.

1. First, ye forbid us to dispute them, ye alone are (as ye say) the Judges of them; but in former ages those also might be and have been judged by the Lawes of the Kingdome; onely of offences committed by your own Members against your House, of these ye are the proper Judges; and of the elections of your Members.

2. Yet these we conceive under your good favours, are to be thus confined, that every Member of your House hath and ought to have as free liberty as any of them, to deliver his opinion upon any emergent Occasion, and not to be committed, as some have beene,——or put out of the House, as others have beene, for speaking freely against the sence of the House, or rather of some members thereof.

3. The priviledges of your House were never challenged till now, to extend to any Member which should commit Treason, or Felony: but ye have now declared that no Member of the House, nor any others imployed by you in this horrid Rebellion, should be questioned for Treason, but in Parliament; or at least by leave of the House.

4. Ye have made a close Committee (as you call it) wherein a very few Members of your House onely are privy to your Counsels, and what those few conclude upon, is summarily reported to the House, and that taken upon trust by an implicate faith of all the rest.

5. Many of the present Members of your House have had their elections questioned, but if they incline to those positions which ye lay downe to your selves to uphold your tyrannicall and usurped Government: ye are so busied in the great affaires of State, that in two yeeres space (for so long and longer yee have continued this Parliament already) yee have no leisure to determine those questions, lest you should loose such a one from your party.

6. Sometimes when a matter of importance hath been in debate, ye have put it to the question, and upon the question it hath been determined, and the same question again resumed at another time, better prepared for the purpose, and determined quite contrary; this we are well assured was not the priviledge of former Parliaments, when many of us were Members thereof.

We

We do believe ye have many just Priviledges for the freedome of your persons, for freedome of speech; but we never did believe that ye had a priviledge to take the Scepter into your hands, to levy a Warre against your King, and to compell others to joyne with you in so execrable an act. We wish from our hearts that all these Observations were but fables and fictions, (as we have met with many from you to amuse us) but they are all undeniably true; our conditions therefore are most miserable, when thus instead of maintaining the true Protestant Religion, the Lawes of the Land, the just Liberty and property of the Subject, and just Priviledges of Parliament, they are all of them radically and fundamentally destroyed, and that by you, whose duties and professions are daily to the contrary, and if any thing can be added to our misery, it is this, that we cannot see through the time, when this intolerable yoke of slavery which ye put upon your fellow Subjects, shall have an end, seeing by the art of a few yee have contrived an Act whereby ye have perfidiously over-reached both the King and people, to make this present Parliament to be perpetuall at your pleasures, that so your arbitrary power and tyranny over the Kingdome, might be perpetuated.

Yet one thing more may be added to our unhappinesse.

Fuisse felices, We were lately a happy people, and are now on a sudden reduced to such a depth of unhappinesse, that we are made a spectacle to the whole world, and the very object of their scorne: For,

We are (before we were aware of it) cast in a Warre, a civill Warre, an irreligious and barbarous Warre, against our Sovereigne, our naturall Liege Lord.

We are put into an inevitable way of poverty.

By being wasted in all quarters and corners of the Kingdome one by another:

By loosing our commerce at home, it being intercepted by the Armies, and almost no debts paid, occasioned specially by the priviledges of your Members, and such as ye priviledge:

By loosing our trade abroad, it being cast into the hands of strangers.

We loose our season for tillage and husbandry, which must of necessity introduce a Famine; and Famine doth but usher in a Pestilence: And Warre, Famine, and Pestilence, are the three great and fearful judgments of God upon a Nation.

Nothing can redeeme us out of these Calamities, but a speedy Peace; and to prepare it, a cessation of Arms: And then by good Lawes, as ye have already happily begun, to amend what is or hath beene amisse, without plucking up the foundations of Government.

We beseech you therefore at the last, to lay aside your affections, and in your judgments to provide for us, and for yourselves, and for the honour of our religion, the peace of our consciences, the preservation of our lives and estates, and for the salvation of our poor soules, to have pittie upon us, bind up our bleeding wounds, cure the distractions of the time, and make up the breaches betweene the King and People, occasioned onely by a mis-understanding.

And

And if these our *Petitions*, or *Complaints*, or *Remonstrances* (call them what ye will) may prevaile with you, we doubt not, but that the King of His grace and goodnesse will be intreated to bury all your by-past actions in an act of oblivion, that neither the present age, nor the ages to come, may to the shame of this Nation, have cause to remember what hath happened here in this last and worst age of this world.

But if all this, and all which in your great judgments yee can adde unto it, shall not move you; We doe and shall protest to all the world, (that with the hazard of our lives and fortunes, and of all we can call ours; we shall endeavour to vindicate ourselves from these inhumane courses. *Sed meliora speramus.* We hope for better things.

And we shall incessantly pray to God to perfect our hopes, by blessing your Counsels.

AN ORDINANCE of the LORDS and COMMONS assembled in PARLIAMENT; with INSTRUCTIONS for the taking of the *LEAGUE* and *COVENANT* in the Kingdom of *England*, and Dominion of *Wales*. With AN EXHORTATION for the taking of the *COVENANT*; and for satisfying such Scruples as may arise thereupon. Together with the *LEAGUE* and *COVENANT*, subscribed with the Names of so many of the Members of the House of Commons as have taken it. All which are to be read in all Churches and Chappels within the Kingdom of *England*, and Dominion of *Wales*.

5. FEB. 1643.

Ordered by the Commons in Parliament, That the *Ordinance*, with *Instructions* for the taking of the *League* and *Covenant*, together with the *Exhortation* and the *League* and *Covenant*, be forthwith printed and published.

H. ELSYNGE, Cler. Parl. D. Com.

An Ordinance of the Lords and Commons, enjoyning the taking of the late solemn League and Covenant throughout the Kingdom of England, and Dominion of Wales.

W^Hereas a Covenant for the preservation and Reformation of Religion, The maintenance and defence of Laws and Liberties, hath been thought a fit and excellent meanes to acquire the favour of Almighty God towards the three Kingdoms of *England*, *Scotland* and *Ireland*; and likewise to unite them, and by uniting, to strengthen and fortifie them against the Common Enemy of the true

true Reformed Religion, Peace and Prosperity of these Kingdomes; And whereas both Houses of Parliament in *England*, the Cities of *London* and *Westminster*, and the Kingdome of *Scotland* have already taken the same; It is now Ordered and Ordained by the Lords and Commons in Parliament, that the same Covenant be solemnly taken in all places throughout the Kingdome of *England*, and Dominion of *Wales*. And for the better and more orderly taking thereof these directions ensuing are appointed and enjoined strictly to be followed.

Instructions for the taking of the solemne League and Covenant throughout the Kingdome.

I.

THat the Speakers of both Houses of Parliament doe speedily send (to the Lord Generall, and all other Cammanders in chiefe, and Governours of Townes, Forts, Castles, and Garrisons, as also to the Earle of *Warwick* Lord High Admirall of *England*) true Copies of the said solemne League and Covenant to the end it may be taken by all Officers and Souldiers under their severall Commands.

II.

That all the Knights and Burgessees now in Parliament, doe take speciall care speedily to send down into their severall Counties (which are or shall hereafter be under the power of the Parliament) a competent number of true Copies of the said League and Covenant unto the Committees of Parliament in their severall Counties; And that the said Committees doe within six dayes at the most, disperse the said Copies to every Parish Church, or Chappell in their severall Counties, to be delivered unto the Ministers, Churchwardens, or Constables of the severall Parishes.

III.

That the said Committees be required to returne a Certificate of the day when they received the said Copies, as also the day they sent them forth, and to what Parishes they have sent them, which Certificate they are to return to the Clerke of the Parliament appointed for the Commons House, that so an Account may be given of it, as there shall be occasion.

IV.

That the severall Ministers be required to reade the said Covenant publicly unto their people the next Lords day after they receive it, and prepare their people for it, against the time that they shall be called to take it.

V.

That the said League and Covenant bee taken by the Committees of Parliament in the place where they reside, and tendered also to the Inhabitants of the Towne, within seven dayes after it comes to the said Committees hands.

VI.

That the said Committees after they have taken it themselves, doe speedily disperse themselves through the said Counties, so as three or foure of them be together on dayes appointed at the chiefe places of meeting for the severall divisions of the said Counties; And summon all the Ministers, Church-wardens, Constables, and other Officers unto that place; where, after a Sermon preached by one appointed by the Committee for that purpose, they cause the same Minister to tender the League and Covenant unto all such Ministers and other Officers, to be taken and subscribed by them, in the presence of the said Committees.

VII.

That the said Committees do withall give the said Ministers in Charge to tender it unto all the rest of their Parishioners the next Lords day, making then unto their said Parishioners some solemn exhortation concerning the taking and observing thereof: And that the said Committees do also return to the severall Parishes the Names of all such as have taken the Covenant before them, who yet shall also subscribe their Names in the Book or Roll with their neighbours in their severall Parishes: And if any Minister refuse, or neglect to appear at the said Summons, or refuse to take the said Covenant before the Committee, or to tender it to his Parish, that then the Committees be carefull to appoint another Minister to do it in his place.

VIII.

That this League and Covenant be tendered to all men, within the severall Parishes, above the age of eightene, as well Lodgers as Inhabitants.

IX.

That it be recommended to the Earl of *Manchester* to take speciall care that it bee tendred and taken in the Universitie of *Cambridge*.

X.

That for the better encouragement of all sorts of Persons to take it; It be recommended to the assembly of Divines, to make a brief Declaration by way of Exhortation, to all sorts of persons to take it, as that which they judge not onely lawfull, but (all things considered) exceeding expedient and necessary, for all that wish well to Religion, the King and Kingdom to joyn in, and to be a singular pledge of Gods gracious goodnesse to all the three Kingdomes.

XI.

That if any Minister do refuse to take, or to tender the Covenant, or any other person or persons do not take it the Lords day that it is tendred, that then it be tendred to them again the Lords day following, and if they still continue to refuse it, that then their Names be returned by the Minister that tenders it, and by the Church-wardens or Constables unto the Committees,
and

and by them to the House of Commons, that such further course may be taken with them, as the Houses of Parliament shall see cause.

XII.

That all such persons as are within the severall Parishes when notice is given of the taking of it, and do absent themselves from the Church at the time of taking it, and come not in afterwards, to the Minister and Churchwardens, or other Officers, to take it in their presence before the returne be made, be returned as refusers.

XIII.

The manner of the taking it to be thus, *The Minister to read the whole Covenant distinctly and audibly in the Pulpit, and during the time of the reading thereof, the whole Congregation to be uncovered, and at the end of his reading thereof, all to take it standing, lifting up their Right hands bare, and then afterwards to subscribe it severally by writing their names (or their marks, to which their names are to be added) in a parchment Roll, or a Book, whereinto the Covenant is to be inserted, purposely provided for that end, and kept as a Record in the Parish.*

XIII.

That the assembly of Divines do prepare an Exhortation for the better taking of the Covenant: And that the said Exhortation, and the Declaration of the Kingdoms of *England* and *Scotland*, joyned in the Armies, for the vindication and defence of their Religion, Liberties and Lawes, against the Popish Prelaticall and Malignant partie, and passed the 30th of *January* last, be publikely read, when the Covenant is read, according to the fourth and sixth Articles: And that a sufficient number of the copies of the said Declaration, be sent by the persons appointed to send the true copies of the said Covenant, in the first and second Articles.

An EXHORTATION to the taking of the Solemne League and Covenant, for REFORMATION and Defence of Religion, the Honour and happinesse of the King, and the Peace and safety of the three Kingdomes of England, Scotland, and Ireland.

IF the power of Religion, or solid Reason, if Loyalty to the King, and piety to their Native Country, or love to themselves, and naturall affection to their posterity, if the Example of men touched with a deep sense of all these, or extraordinary successe from God thereupon, can awaken an embroyled bleeding remnant to embrace the soveraigne, and onely meanes of their recovery, there can be no doubt but this Solemne League and Covenant will find wheresoever it shall bee tendered, a people ready to entertaine it with all cheerefulnesse and duty.

And were it not commended to the Kingdom by the concurrent encouragement of the Honourable Houses of Parliament, the Assembly of Divines, the renowned City of *London*, multitudes of other persons of eminent rank and

quality in this Nation, and the whole Body of *Scotland*, who have all willingly sworn and subscribed it, with rejoycing at the Oath, so graciously seconded from Heaven already, by blasting the Counsels, and breaking the power of the Enemy more than ever; yet it goeth forth in its own strength, with such convincing evidence of equity, Truth and Righteousnesse, as may raise in all (not wilfully ignorant, or miserably seduced) inflamed affections, to joyne with their Brethren in this happy Bond, for putting an end to the present miseries, and for saving both of King and Kingdom from utter ruine, now so strongly and openly laboured by the Popish faction, and such as have been bewitched and befotted by that viperous and bloody generation.

For what is there almost in this Covenant, which was not for substance either expressed, or manifestly included, in that solemne *Protestation* of May 5. 1641. wherein the whole Kingdome stands ingaged untill this day? The sinfull neglect whereof, doth (as we may justly feare) open one floodgate the more to let in all these calamities upon the Kingdome, and cast upon it a necessity of renewing Covenant, and of entring into this.

If it be said, the extirpation of Prelacy, to wit, the whole Hierarchicall Government (standing, as yet, by the knowne Lawes of the Kingdome) is new, and unwarrantable: This will appeare to all impartiall understandings, (though new) to be not onely warrantable, but necessary; if they consider (to omit what some say, that this Government was never formally established by any Lawes of this Kingdome at all) that the very life and soule thereof is already taken from it by an Act passed this present Parliament, so as (like *Jezabels* Carcasse, of which no more was left but the skull, the feete, and the palmes of her hands) nothing of jurisdiction remaines, but what is precarious in them, and voluntary in those who submit unto them: that their whole Government is at best but a humane constitution, and such as is found and adjudged by both Houses of Parliament, (in which, the judgement of the whole Kingdom is involved and declared) not onely very prejudiciall to the Civill State, but a great hinderance also to the perfect Reformation of Religion; Yea, who knoweth it not to bee too much an enemy there unto, and destructive to the power of godlinesse, and pure administration of the Ordinances of Christ? which moved the well-affected, almost throughout this Kingdom, long since to Petition this Parliament (as hath been desired before, even in the Reigne of Queen *Elizabeth*, and of King *James*) for a totall abolition of the same. Nor is any man hereby bound to offer any violence to their persons, but only, in his place and calling, to indeavour their extirpation in a lawful way.

And as for those Clergy-men, who pretend that they (above all others) cannot Covenant to extirpate that Government, because they have (as they say) taken a solemne Oath to obey the Bishops, *in licitis et honestis*: they can tell, if they please, that they that have sworn obedience to the Lawes of the Land, are not thereby prohibited from indeavouring by all lawfull means the abolition of those Lawes, when they prove inconvenient or mischievous. And if yet there should any Oath be found into which any Ministers or others have entered, not warranted by the Lawes of God and the Land; in this case,

case, they must teach themselves and others, that such Oaths call for repentance, not pertinacy in them.

If it be pleaded that this Covenant crosseth the Oaths of *Supremacy* and *Allegiance*; there can be nothing further from truth: for, this Covenant binds all, and more strongly engageth them to *preserve and defend the Kings Majesties Person, and authority in the preservation and defence of the true Religion and Liberties of the Kingdomes.*

That scruple, that this is done without the Kings consent will soon be removed, if it be remembred that the *Protestation* of the fifth of *May* before mentioned, was in the same manner voted and executed by both Houses, and after (by order of one House alone) sent abroad to all the Kingdome, his Majesty not excepting against it, or giving any stop to the taking of it, albeit he was then resident in Person at *Whitehall*.

Thus *Ezra* and *Nehemiah* drew all the People into a Covenant, without any special Commission from the *Persian* Monarchs (then their Sovereigns) so to doe, albeit they were not free Subjects but Vassals, and one of them the meniall Servant of *Artaxerxes*, then by Conquest King of *Judah* also.

Nor hath this doctrine or practise beene deemed seditious or unwarrantable by the Princes that have sate upon the *English* Throne; but justified and defended by Queene *Elizabeth* of blessed Memory, with the expence of much Treasure and Noble blood, in the united Provinces of the *Netherlands* combined not only without but against the unjust violence of *Philip* of *Spaine*; King *James* followed her steps, so farre as to approve their union, and to enter into league with them as free States; which is continued by his Majestie now reigning, unto this day; who both by his expedition for reliefe of *Rochel* in *France*, and his strict confederacy with the Prince of *Orange*, and the States Generall, notwithstanding all the importunitie of *Spaine* to the contrary, hath set to his Seale that all that had beene done by his Royall Ancestors, in maintenance of those who had so engaged and combined themselves, was just and warrantable.

And what had become of the Religion, Lawes, and Liberties of our sister Nation of *Scotland*, had they not entred into such a solemne League and Covenant at the beginning of the late troubles there? which course, however it was at first, by the Popish and Prelatick Projectors, represented to his Majestie as an offence of the highest nature, justly deserving chastisement by the fury of a puissant Army; yet when the matter came afterwards in coole blood to be debated, first by Commissioners of both kingdomes, and then in open Parliament here, (when all those of either House, who are now engaged at *Oxford*, were present in Parliament, and gave their Votes therein) it was found, adjudged and declared by the King in Parliament, that our deare Brethren of *Scotland* had done nothing, but what became loyall and obedient Subjects, and were thereupon by Act of Parliament publikely righted in all the Churches of this Kingdome, where they had beene defamed.

Therefore however some men, hoodwinkt and blinded by the artifices of those Jesuiticall Engineers, who have long conspired to sacrifice our Religion to the Idolatry of *Rome*, our Lawes, Liberties and persons to arbitrary slavery

very, and our estates to their insatiable avarice, may possibly bee deterred and amused with high threats and Declarations, flying up and downe on the wings of the Royall Name and Countenance (now captivated and prostituted to serve all their lusts) to proclaime all Rebels, and Traytors, who take this Covenant; yet let no faithfull *English* heart bee afraid to joyne with our Brethren of all the three Kingdomes in this solemne League, as sometimes the men of *Isreal* (although under another King) did with the men of *Judah*, at the invitation of *Hezekiah*.

What though those tongues set on fire by Hell doe raile and threaten? That God who was pleased to cleare up the innocency of *Mordecai* and the Jews against all the malicious aspersions of wicked *Haman* to his and their Sovereigne, so as all his plotting produced but this effect, that *when the Kings commandement and decree drew neare to be put in execution, and the enemies of the Jewes hoped to have power over them, it was turned to the contrary, and the Jewes had rule over them that hated them, and laid hands on such as sought their hurt, so as no man could withstand them*; and that same God, who but even as yesterday, vouchsafed to disperse and scatter those dark clouds and fogs which overshadowed that Loyall and Religious Kingdome of *Scotland*, and to make their righteousness to shine as cleare as the Sunne at noone day in the very eyes of their greatest enemies, will doubtlessly stand by all those who with singleness of heart, and a due sense of their owne sinnes, and a necessitie of reformation, shall now enter into an everlasting Covenant with the Lord, never to bee forgotten, to put an end to all those unhappy and unnatural breaches betweene the King and such as are faithful in the Land; causing their *righteousnesse and praise to spring forth before all the Nations*, to the terror and confusion of those men of blood, the confederate enemies of God and the King, who have long combined, and have now raked together the dregs and scumme of many Kingdomes to bury all the glory, honour and libertie of this Nation in the eternall grave of dishonour and destruction.

Die Veneris 9. Februar. 1643.

A *N Exhortation touching the taking of the Solemn League and Covenant, and for satisfying of such Scruples, as may arise in the taking of it, was this day read the first and second time; And by Vote upon the Question assented unto, and Ordered to bee forthwith Printed.*

H. Elfynge Cler. Par. D. Com.

A Solemn LEAGUE and COVENANT for Reformation, and Defence of Religion, the Honour and Happinesse of the KING, and the Peace and Safety of the three Kingdoms of *England, Scotland, and Ireland*.

WE *Noblemen, Barons, Knights, Gentlemen, Citizens, Burgeses, Ministers of the Gospel, and Commons of all sorts in the Kingdoms of England, Scotland and Ireland, by the Providence of God living under one King, and being of*
one

one Reformed Religion, having before our Eyes the Glory of God, and the Advancement of the Kingdome of our Lord and Saviour Jesus Christ, the honour and happiness of the Kings Majestie, and His Posterity, and the true publike Liberty, Safety and Peace of the Kingdoms, wherein every ones private Condition is included, and calling to minde the treacherous and bloody Plots, Conspiracies, Attempts, and Practices of the Enemies of God, against the true Religion, and Professors thereof in all Places, especially in these three Kingdoms ever since the Reformation of Religion, and how much their Rage, Power and Presumption, are of late, and at this time increased and exercised; whereof the deplorable estate of the Church and Kingdom of Ireland, the distressed estate of the Church and Kingdom of England, and the dangerous estate of the Church and Kingdom of Scotland, are present and publike Testimonies; We have now at last, (after other means of Supplication, Remonstrance, Protestations, and Sufferings) for the Preservation of our selves and our Religion, from utter Ruine and Destruction, according to the commendable Practice of these Kingdoms in former times, and the Example of Gods people in other Nations; after mature deliberation, resolved and determined to enter into a mutuall and solemne League and Covenant, wherein we all subscribe, and each one of us for himself, with our hands lifted up to the most high God, do swear:

I.

THat we shall sincerely, really and constantly, through the Grace of God, endeavour in our severall places and callings, the preservation of the Reformed Religion in the Church of Scotland, in Doctrine, Worship, Discipline and Government, against our common Enemies; the Reformation of Religion in the Kingdoms of England and Ireland, in Doctrine, Worship, Discipline and Government, according to the Word of God, and the Example of the best Reformed Churches; And shall indeavour to bring the Churches of God in the three Kingdoms, to the neereſt Conjunction and Uniformity in Religion, Confession of Faith, Form of Church-Government, Directory for Worship and Catechizing; That we and our posterity after us may as Brethren live in Faith and Love, and the Lord may delight to dwell in the midst of us.

II.

That we shall in like manner, without respect of persons, indeavour the extirpation of Popery, Prelacy, (that is, Church-Government, by Arch-Bishops, Bishops, their Chancellours and Commissaries, Deanes and Chapters, Archdeacons, and all other Ecclesiasticall Officers depending on that Hierarchy) Superſtition, Hereſie, Schisme, Prophaneneſſe, and whatsoever shall be found to be contrary to sound Doctrine, and the power of Godlineſſe; lest we partake in other mens ſins, and thereby be in danger to receive of their plagues, and that the Lord may be one, and his Name one in the three Kingdoms.

III.

We shall with the same ſincerity, reallity and conſtancy, in our severall Vocations, endeavour with our estates and lives, mutuallly to preserve the Rights and Priviledges of the Parliaments, and the Liberties of the Kingdoms,

doms, and to preserve and defend the Kings Majesties person and authority, in the preservation and defence of the true religion and Liberties of the Kingdoms, that the world may bear witnesse with our consciences, of our Loyaltie, and that we have no thoughts or intentions to diminish His Maiesties just greatnesse.

III.

We shall also with all faithfulness endeavour the discovery of all such as have been, or shall be Incendiaries, Malignants, or evill instruments, by hindering the Reformation of Religion, dividing the King from his people, or one of the Kingdomes from another, or making any Faction or parties amongst the people, contrary to this League and Covenant, that they may be brought to publicke triall, and receive condigne punishment, as the degree of their offences shall require or deserve, or the supreme Judicatures of both Kingdoms respectively, or others having power from them for that effect, shall judge convenient.

V.

And whereas the happinesse of a blessed Peace between these Kingdoms, denied in former times to our Progenitors, is by the good providence of God granted unto us, and hath been lately concluded, and settled by both Parliaments, we shall each one of us according to our place and interest endeavour that they may remain conjoynd in a firme Peace and Union to all Posterity; And that Justice may be done upon the wilfull opposers thereof, in manner expressed in the precedent Articles.

VI.

We shall also according to our places and callings in this common cause of Religion, Liberty and Peace of the Kingdomes, assist and defend all those that enter into this League and Covenant, in the maintaining and pursuing thereof and shall not suffer our selves directly or indirectly by whatsoever combination, perswasion or terrour, to be divided, and withdrawn from this blessed Union and conjunction, whether to make defection to the contrary part, or to give ourselves to a detestible indifferency or neutrality in this cause which so much concerneth the glory of God, the good of the Kingdoms, and the honour of the King; but shall all the days of our Lives, zealously and constantly continue therein, against all opposition, and promote the same according to our power against all Lets and Impediments whatsoever; and what we are not able ourselves to suppress or overcome, we shall reveal and make known, that it may be timely prevented or removed. All which we shall do as in the sight of God.

And because these Kingdoms are guilty of many sins and provocations against God, and his Son Iesus Christ, as is too manifest by our present distresses and dangers, the fruits thereof; We professe and declare before God and the world, our unfayned desire to be humbled for our own sins, and for the sins of these Kingdomes, especially that we have not as we ought, valued the inestimable benefit of the Gospel, that we have not laboured for the purity and power thereof, and that we have not endeavoured to receive Christ in our Hearts, nor to walk worthy of him

in our lives, which are the causes of other sins and Transgressions so much abounding amongst us; and our true and unfained purpose, desire, and endeavour for ourselves, and all others under our power and charge, both in publike and in private, in all duties we owe to God and man, to amend our lives, and each one to go before another in the example of a real Reformation, that the Lord may turn away his wrath, and heavy indignation, and establisb these Churches and Kingdoms in trueth and peace. And this Covenant we make in the presence of Almighty God the Searcher of all hearts with a true intention to performe the same, as we shall answer at that great day, when the secrets of all hearts shall be disclosed, most humbly beseeching the Lord to strengthen us by his Holy Spirit for this end, and to blesse our desires and proceedings with such successe, as may be deliverance and safety to his-People, and encouragement to other Christian Churches groaning under, or in danger of the yoke of Anti-christian Tyranny; to joine in the same, or like Association and Covenant, to the glory of God, the enlargement of the Kingdome of Jesus Christ, and the peace and Tranquility of Christian Kingdomes and Common-Wealths.

Wil. Lenthall, <i>Speaker</i>	William Ieffon	John Button
Beuchamp St. Iohn	Philip L. Herbert	John Meyrick
Gilbert Gerrard	Thomas Barrington	Ambrosse Browne
Walter Erle	Martin Lumley	Richard Wynn
James Cambell	Iohn Trevor	Edward Owner
Tho. Cheeke	Francis Godolphin	Charles Pym
Robert Nicholas	Thomas Arundell	Charles L. Cranborne
Benjamin Rudyard	Edward Stephens	Ben Weston
Iohn Gurdon	Gilbert Pykering	Dudley North
Robert Herley	Iohn Creue	Iohn Nutt
Francis Knollys	Oliver Cromwell	Io. Corlet
Edward Master	Henry Vane <i>junior</i>	Roger Burgoyne
Iohn White	William Cage	Peter Temple
Anthony Stapeley	Richard Erifey	Benjamin Valentyne
Dennis Bond	Philip L. Lisle	Thomas Walsingham
Laurence Whitaker	William Haveningham	Oliver Luke
Michaell Noble	Isaac Penington	William Alenfon
Pere. Hoby	Richard Cresheld	Humphery Salwey
Richard Barwis	Thomas Pelham	Richard More
Edward Baynton	Thomas Parker	William Ashurst
William Cawley	Iohn Leigh	Thomas Moore
Iohn Moyle	Iohn Harris	Thomas Fountayne
John Pyne	Augustine Skinner	William Ellys
George Searle	Iohn Venn	Henry Shelley
Henry Vane, <i>senior</i>	William Strickland	Richard Shuttleworth
Nevill Poole	Iohn Franklin	Henry Ludlow
John Yonge	Samuel Browne	George Gallopp
Henry Herbert	Robert Scawen	Robert Wallopp
Thomas Sandis	Roger Hill	Arthur Hesilrige
VOL. II.	N n	Oliver

Oliver Saint-John	Humphrey Tufton	Richard Brown
Thomas Grantham	Thomas Dacres	William Playters
Francis Barneham	Thomas Erle	Nathaniel Stephens
Will. L. Fitzwilliams	John Downes	Richard Rose
Edmund Dunch	John Goodwyn	Francis Rous
Henry Mildmay	Francis Drake	Gilbert Millington
Hugh Rogers	William Waller	Walter Young
Thomas Hatcher	Samuel Luke	John Brown
John Wray	Francis Buller	John Hippisley
Simonds D'Ewes	Richard Harman	Edward Poole
Anthony Bedingfield	George Buller	Henry Pelham
John Ashe	Arthur Onslow	William Hay
William L. Munson	Richard Wynwood	John Driden
Martyn Lister	Robert Pye	Nathaniel Fyennes
Robert Goodwyn	Hen. L. Grey of Ruthin	William Lewis
Edward Thomas	Richard Knightley	Giles Grene
Henry Lucas	John Pym	William Lytton
Miles Corbett	Christopher Yelverton	John Hervey
Philip Smith	Anthony Nicoll	Edward Dowce
Cornelius Holland	Peter Wroth	William Strode
William Spurstowe	Robert Reynolds	Edmond Prideaux
John Lowry	Nathaniel Barnardiston	Thomas Hoyle
Peter Wentworth	Henry Heyman	Edward Exton
Henry Cholmely	William Purefoy	Francis Popham
Philip Stapleton	Valentine Walton	Zouch Tate
William Pierrepont	Michael Oldesworth	John Curson
Roger North	William Wheler	Alexander Bence
Alexander Popham	Hall Ravenscroft	Squire Bence
Thomas Hodges	Tho. L. Grey of Groby	John Selden
John Maynard	Thomas Middleton	John Glynn
Samuel Vassall	Edward Hungerford	Richard Onslow
Anthony Irby	Christopher Wrey	John Coke
John Clotworthy	Richard Lee	Thomas L. Wenman
John Broxolme	Herbert Morley	Bulstrode Whitelocke
Richard Jervoyse	Thomas Lane	George Mountagu
John Blakiston	Robert Cecill	Edward Partheriche
Walter Longe	William Bell	Henry Campion
John Rolle	Thomas Some	William Whitaker
Robert Jennor	Herbottle Grimstone	Denzil Holles
John Waddon	Symon Snowe	Edward Wingate
William Masham	John Nash	James Fenys
John Lisle	Herbottle Grimstone	Poynings Moore
Edmund Fowell	Ralph Asheton	Edward Bisse, <i>junior</i>
Edward Ashe	Edward Aysheoghe	William Jephson
Thomas Pury	John Wylde	Edward Mountagu
Richard Whithead	John Trenchard	Norton Knatchbull
Richard Jenyns	Thomas Jervoyse	Thomas Eden

Mr.

Mr. *EDWARD HYDES* SPEECH, at a Conference betweene both Houses, on Tuesday the 6th of *July*, 1641. at the Transmission of the severall Impeachments against the Lord Chiefe Baron *DAVENPORT*, Mr. Baron *TREVOR*, and Mr. Baron *WESTON*.

My LORDS,

THERE cannot bee a greater instance of a sicke and languishing *Common-wealth*, then the businesse of this day; good *God*, how have the guilty these late yeares beene punished, when the Judges themselves have been such Delinquents. 'Tis no marvell that an irregular, extravagant, arbitrary power, like a Torrent, hath broke in upon us, when our bankes, and our Bulworks, the Lawes, were in the Custody of such persons. Men who had lost their Innocence could not preserve their Courage, nor could we looke that they who had so visibly undone us, themselves should have the vertue or credit to rescue us from the oppression of other men, 'twas once said by one, who alwayes spoke excellently, that the twelve Judges were like the 12. *Lyons* under the Throne of *Solomon*; under the Throne in obedience, but yet *Lyons*: your Lordships shall this day heare of six, who (be they what they will be else) were no *Lyons*: who upon vulgar feares delivered up the precious Forts they were trusted with, almost without assault, and in a tame, easie trance of flattery and servitude, lost and forfeited (shamefully forfeited) that reputation, awe and reverence, which the Wisdom, Courage, and Gravity of their Venerable Predecessors, had contracted and fastened to the places they now hold, and even rendered that study and Profession, which in all Ages hath been, and I hope now shall bee of an honourable estimation, so contemptible and vile, that had not this blessed day come, all men would have had that quarrell to the Law it selfe, which *Marius* had to the Greeke tongue, who thought it a mockery to learne that language, the Masters whereof lived in bondage under others: And I appeale to these unhappie Gentlemen themselves, with what a strange negligence, skorne and indignation, the faces of all men, even of the meanest have been directed towards them, (since to call it no worfe) that fatall declension of their understandings in those Judgements, of which they stand here charged before your Lordships: But (my Lords) the worke of this day is the greatest instance of a growing, and thriving *Common-wealth* too; and is as the dawning of a faire and lasting day of happinesse to this Kingdome, 'tis in your Lordships power, (and I am sure 'tis in your Lordships will) to restore the dejected broken people of this Island, to their former joy and securitie, the successors of these men to their old priviledge and veneration, & *sepultas propè leges revocare*.

My Lords, the Iniquity of *Judges* is infectious, and their craftiest combination to leave as few innocent as may be, your Lordships have heard of

the justice of two of the greatest Courts of *Westminster*, and that you may know how little advantage the other of his Majesties Revenue, the Court of *Exchequer*, hath of its fellows in the administration of right; I am commanded by the House of *Commons* to present to your Lordships three severall charges, against three Judges of that Court, my Lord chiefe Baron *Davenport*, Mr. Baron *Trevor*, and Mr. Baron *Weston*, your Lordships will please to heare them read.

Your Lordships observe, that the great resolution in *Ship-money*, was a Crime of so prodigious a nature, that it could not be easily swallowed, and digested by the Consciences, even of these men, but as they who are to wrastle or run a race, by degrees prepare themselves by dyet, and lesser assayes for the maine exercise, so these *Judges* enter themselves and harden their hearts by more particular trespasses upon the Law: by impositions and taxes upon the Merchant in Trade, by burdens and pressures upon the Gentry in *Knight-hood*, before they could arrive at that universall destruction of the Kingdome by *Ship-money*, which promised reward and security for all their former services, by doing the worke of a *Parliament* to his Majesty in supplies, and seemed to delude justice, in leaving none to judge them, by making the whole Kingdome party to their oppression.

My Lords, of this Crime these three *Judges* seeme to be at least equally guilty, for however one of them my Lord chiefe Baron, is not charged with that Judgement, in the *Exchequer-Chamber* against Mr. *Hampden*, and how hee failed in making his conclusion from his own premisses, he onely can informe you. Your Lordships see how quickly he repented, that that mischief was done without him there, by his overtaking his Brethren in his circuit, and as he said of the vilest kind of flatterers, *Crudelissimo servitutis genere, quod intra se abominabantur, palam laudabant*: hee made all possible haste to redeeme himselfe from that imputation of *Justice*, and declared publicly in the face of the Country, that it was adjudged by all the *Judges* of *England*, that *Ship-money* was due to the King, though I believe he will be now glad to be thought none of those Judges, and what others did he well knew, and thereupon imprison'd a poore man for doing that, which if *Ship-money* had beene due to his Majesty by *Magna Charta*, had beene lawfull for him to have done; of the Resolutions and judgement it selfe I am not to speak, your Lordships have passed your noble Judgement.

My Lords, the first charge in order is, that presumptuous Decree against Mr. *Rolles*, and others, and in truth whatsoever glosse they put upon it, is no other than a plaine grant of the Subsidy of *Tunnage* and *Poundage* to his Majesty upon all Merchandize; after their goods seised for non-payment of that pretended Duty, the Proprietors brought *Replevins* (which is the natural and genuine remedy, appointed by Law in case of Property, and grounded upon property) the Court awards an injunction to stay these *Replevins*, the goods were in the Kings possession, and no *Replevin* would lye against the King: truly (my Lords) the Injustice here is not so scandalous, as the fraud; we all know a *Replevin* (as no other suite) lyes against the King, if the goods be in his owne hands, in his Bedchamber, but to call a seizure by the Far-
mours

mours (of whose interest this Court will not deny the notice, and if his Majesty had any right, they well knew he had transferred it to these men) or the Ware-houses of the Customers, the Kings possession, to defeate the Subject of his proper remedy, was the boldest piece of *Sophistry* we have met with in a Court of Law: Pardon me if I am transported: The *Civilians* say, *Tutor Domini loco habetur cum rem administrat, non cum pupillum spoliat*: The Office of Judges is to preserve and give remedy for right, here they found a right, a knowne and questionable right, yet instead of assisting tooke away the Remedy, to preserve that right, what shall we call these Judges? My Lords, in this Argument I am not willing to say much; 'tis enough that your Lordships know Tunnage and Poundage is not a Duty to the Crowne; but a Subsidie, and so granted in *subsidium*, sometimes *pro una vice tantum*, sometimes for yeares, and then ceased when the time did expire, that when it was first granted for life, it was with this clause: *Ita quod non trabatur in exemplum futuris Regibus*, but 'tis abundantly enough that his sacred Majesty cannot bee tainted with the advices and judgements of these men, but looks on this duty singly as the meere affection and bountie of his Subjects, the which no doubt he shall never want.

My Lords, the next charge is concerning *Impositions*, Mr. *Vassalls* goods are seized for not paying Impost, which hee conceived to bee against Law, he is imprisoned, and judgement given against him, without suffering him to bee heard, upon the point of right, because that had beene heretofore judged in *Bates's* Case: And yet these very Judges have not thought themselves so bound up by former judgements, but that since this time they have argued a case upon the same point, which was adjudged in *Hillary Term* in the 15. *Eliz.* and confirmed after by all the *Judges* of *England* in a Writ of Errour, in the 21. yeare of that Queenes reigne, 'tis *Walsinghams* Case, however the same modesty seized them againe in the Case of a Noble Lord, not now present: Whether the King without assent of *Parliament*, may set impositions upon the Wares, and goods of Merchants, is no new question; it hath beene more then once debated in *Parliament*, and indeed whilst it was a question, was fittest for a *Parliament*: I will not trouble your Lordships long: 'tis now resolved, and nothing new can be said in this Argument, though I may have leave to say, if the King can by his Letters Patents create such a right to himselfe, and by a legall course recover that right under such a Title, such Letters Patents are in no degree inferior to an Act of *Parliament*: to reconcile such a power in the Prince, and the property of the Subject, that the one must not be destructive to the other, will require a much greater, a subtler understanding than I pretend to; but my Lords, I doe not thinke the judgement in this point to be so great a crime in these Judges, as that they presumed to judge at all; the matter had beene long debated in *Parliament* undetermined, and therefore not within the Conuance of an inferiour Court, had it not beene true that *Fortescue* says in his 36. Chapter of the Lawes of *England*, *Neque Rex per se aut Ministros suos, tallagia, subsidia, aut quævis onera alia imponit, &c. sine concessione vel assensu totius Regni sui in Parlamento suo expresso, &c.* If the Statute de *Tallagia*

lagia non concedendo, if the 30th. Chapter of *Magna Charta*, and all the other Statutes to that purpose, bee not cleere in the point, they might easily have apprehended so much weight, so much difficulty in the question, (especially since in all our Law-bookes, not so much as the word imposition is found, untill the case in my Lord *Dyer* of 1. *Eliz.* (fol. 163.) that they might very well have suspected themselves to be no competent *Judges* for that determination, and I hope by the experience of this *Parliament*, the *Judges* will recover that ancient modesty to beleieve, that some cases may fall out that may not be properly within their jurisdiction in the 9. yeare of *Eliz.* ('tis in the *Parliament Rolls*) It being found by an office after the death of *Gilbert de Clare* Earle of *Gloster*, that his sisters were his Heyres, *nisi Comitissa Glocestria esset pregnans*, the question was, whether the King might grant the Heyres their Livery in *prejudicium impregnaturæ*: This was conceived *negotium novum*, & *difficile*, and the King having commanded the *Chancellour* and *Judges* to deliver their opinions in writing, they returned, *quod non audebant dictum negotium definire, nec Domino Regi consulere sine assensu magnatum, propter raritatem & difficultatem*: whereupon the day was given to the parties, *ad proximum Parliamentum*. And your Lordships well know the speciall care that is taken by the Statute of 14. *Ed.* 3. *cap.* 5. that such matters as for the difficulty are not fit for the *Judges*, or through eminent delaye are not dispatched by the *Judges*, shall be determined in *Parliament*. Not such matters as the parties concerned, had rather venture upon your Lordships judgements, then upon the Rules and proceedings of the Law (*God* knowes what mischief and confusion may fall out upon that admission) there must be such difficulty, such delay, before that Statute meant your Lordships Justice should be concerned in the resolution, I wish these Gentlemen had thought this busines a matter of that difficulty as had been fit for such a delay.

My Lords, we come next to the charge, concerning Knighthood. Mr. *Maleverer* appeares upon the proesse of that Court, pleads and submits to his fine, *ponit se in gratiam curiæ*: The *Barons* refuse to impose any fine, they had no power to doe that, he must treat with certaine Commissioners appointed for that purpose, and compound with them: your Lordships have not met in the same men such contradictions of crimes, who would suspect the same men in one charge, to have the mettle to usurp the power, and exercise the jurisdiction of the highest Court, the Court of *Parliament*, and presently to want the Spirit to doe that which was so restrained, and peculiar to their places to have done, as that none else could do it; they had no power to fyne, as if the sole busines of sworn *Judges* in a Court of Law, was to summon and call men thither, and then to send them on errands to other Commissioners for Justice: 'tis true the Commissioners of 1. *Edw.* 1. to *Tipstiffe* and *Berk*, and since to others, were and have been to compound with those, who desired to compound, not otherwise, they had no power to compell any, to fine any; that trust by the Law, was and is onely in the *Judges*: so that if this duty were aright to his Majesty, and the Persons liable refuse to compound, for ought these *Judges* can doe, the King must loose this duty, they can impose no fine, only they have found a trick, which they call the
course

course of the Court, to make his Majesty a faver: appeare while you will, plead what you will, submit to the mercy of the Court, Issues shall goe on still, as if you did neither, till you have done somewhat that Court will not order you to doe, nor is bound to take notice of when you have done: your Lordships will help us out of this Circle: And that you may see how incapable they are of any excuse in this point, the very *Mittimus* out of the *Chancery* gives them expresse command amongst other things, *ut fines omnium illorum qui juxta proclamationem prædict. ordinem ante prædict. diem suscepisse debuerunt, capiatis, &c.* 'Tis onely worth your Lordships observation, this misfortune commonly attends (and may it ever) those absolute, disused rights, that be the thing in it selfe in a degree lawfull, the Advisers and Ministers of it so faile in the execution, that as it usually proves as grievous to the Subject, so by some circumstances it proves as penall to the Instruments, as if it were in the very nature of the thing against all the Lawes of government.

I have wearied your Lordships: you see in what a dresse of injustice, subtilty and oppression, I am very unwillingly compelled to present these *Judges* to you: if they appeare to your Lordships under any other character of known and confessed learning in the whole course of their lives, how farre that will aggravate their fault your Lordships must onely judge; if under the excuse of ignorance, or not much knowledge in the duty of their places, your Lordships will easily conclude, what infinite mischief, of which your Lordships have no particular information, the Subjects of this Kingdom have suffered in their lives, in their fortunes, under such ignorance, and such presumption: if under the reputation of prudence and integrity in all cases, except these presented to your Lordships; your Lordships will be at least of the same opinion that he of *Lacedemon* was of the *Athenians* if they carried themselves well, when time was, and now ill; they deserve a double punishment; because they are not good, as they were; and because they are evill, as they were not.

My Lords, if the excellent, envied constitution of this Kingdome, hath beene of late distempered, your Lordship see the causes: if the sweet harmony betweene the Kings protection, and the Subjects obedience, hath unluckily suffered interruption, if the royall Justice, and Honour of the best of Kings hath beene mistaken by his people, if the duty and affection of the most faithfull and loyall Nation, hath been suspected by their gracious Sovereigne, if by these misrepresentations, and these misunderstandings, the King and People have beene robbed of the delight and comfort of each other, and the blessed peace of this Island beene shaken and frighted into Tumults and Commotion, into the Poverty, though not into the rage of Warre, as a people prepared for destruction and desolation: these are the men actively or passively, by doing or not doing, have brought this upon us: *Misera servitus falsa pax vocatur: ubi judicia desinunt incipit bellum.*

My Lords, I am commanded by the House of *Commons*, to desire your Lordships, that these three *Judges* may be speedily required to make their answers to these Impeachments: and that such further proceedings may be had against them, as the course and justice of *Parliament* will admit.

A SPEECH

A SPEECH delivered by the honourable WILLIAM PIERREPONT, second Son to the right Honorable the Earle of KINGSTONE, against Sir ROBERT BERKLEY, Knight, one of the Justices of the Kings Bench; at a Conference of both Houses in the *Painted Chamber*, July 6. 1641.

MY LORDS,

I Am commanded to present to your Lordships these Articles, with which the Knights, Citizens, and Burgeesses of the Commons house of Parliament, in their own name, and in the name of all the Commons of *England*, impeach Sir Robert Berkley, Knight, one of the Justices of his Majesties Court of Kings bench in maintenance of their accusation of high Treason, and other great misdemeanours. The Articles they desire may be read.

The Articles were read by Mr. Newport.

The high Treason is in the first Article, in his endeavours to subvert the fundamentall Laws of this Realm, and to introduce an Arbitrary and Tyrannicall government, which have been lately adjudged Treason, in the cause of the Earle of *Strafford*.

The other Articles (of his opinions, Certificates, Judgements, denials of the benefits of our Laws, which have been read to your Lordships) prove the first. Our goods, our lands, our bodies, the peace of a good conscience are by him given up to Arbitrary, Tyrannicall Government.

Our Ancestors have with great care provided for Judges to know the Lawes, to make them just, or fear them from being evil; We have Innes of Court for the peculiar study of our Lawes; Judges from thence only chosen; feldome any but such as have been twenty yeares there; Honours and revenues are given to Judges, encouragements to do well; this Judge had these; Judges are sworn according to Law to serve the King, and his people, according to Law to counsell the King, and for not so doing, to be at his will for body, lands and goods; this Judge took that oath; the Lawes the Judges study, impose the greatest punishments on unjust Judges, shew that those punishments have been inflicted; more could not be done to perswade or fear a Judge.

His offences shew in him great ambition, yet he was most timorous of displeasing the great men then in power, he did not only forbear doing what he was sworn to do, but with them was most active against our Lawes, and in opposing and punishing any that did maintain them.

To have only received Bribes (though they blind the eyes, and though the desire to get money encreaseth with age) that hainous crime in a Judge had, compared with his offences, been a tolerable vice; for from such
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a Judge, justice is also to be had for money. Ambition is violent, and ruines, whilst Covetousnesse is making a bargain.

The words of his opinion and judgement are for the Kings power. It is pleasing to the nature of man that others should obey his will; and even well framed dispositions of Princes may easily be perswaded to a desire of unlimited power from this ground, that thereby they have more opportunities of doing good, the greatest happinesse that man is capable of. For the most oppressive designs (which we have suffered under) the pretences to his Majestie have ever been the good of his Subjects; His is the sin, that is to judge by the Lawes, and knowes the Lawes are to the contrary, yet puts and confirmes such thoughts in his Prince.

He that incites another to Arbitrary Government, when his selfe-ends are thereby compassed, hates him for taking that power he perswaded him unto.

The writs, those monsters of necessitie to provide Ships to prevent imminent danger that could not stay forty daies for the calling of a Parliament, were therefore to goe out in *September* to have Ships ready in *March*: These have been adjudged by your Lordships to bee destructive to the fundamentall laws of this Realm and to the subjects right of property and liberty, that I shall say concerning them but thus, that this Judge published them to bee inseparable flowers of the Crown. And that wee have lived to see for five yeares together imminent danger, and to be prevented by them.

This Judge did advise to such a government as future Kings here might exercise the highest Tyrannies, and the Subjects want the benefit of restraints known to the most slavish Easterne nations where if their Prince doth unjustly, he hath hatred for it, and the dangers that follow that. This Judge will have that hatred to goe to our good lawes. No such bondage as when lawes of freedom are misinterpreted by Judges to make men slaves.

For a Judge of Law to give his opinion and advice to his Prince how the lawes the mutuall covenants of Kings and Subjects may be broken: It can bear no other construction, but that his intentions are to have his Prince doe ill, and to make his evill servants to study wicked designs: because they see means to put them in execution, by making them to perswade their Prince, because in imminent danger, his Subjects goods are at his will, that there is such danger when there is not: and they only have some by-ends of their own.

A Judge is not to determine what may be done by the King, or what may be done by the subject in a cause of imminent danger, or in any other where the lawes set no rule; for what greater offence then for a Judge to deliver his opinion, that if the King should intend to give up his people to be destroyed by foreign forces, for the safety of the people in that imminent danger, a subject by the Law might take away the King.

This Judge will have our Law to be what to him seems reason; when as the reason limited to him to judge of, is what the common Law and Statutes do say. For him to judge this or that is Law, else a mischief will follow, is at best for him, but this The Law in such a thing is imperfect, therefore he will make a Law to supply it; or because that the Law written

in such particulars is against his reason, therefore his reasons to be Laws then must follow, as often as a Judges reason changes or Judges change, our Laws change also.

Our liberties are in our Laws, where a Subject may reade or hear read, this is his, this he may do, and be safe, and that thus the Judge ought to give judgement, The excessive groweth of Courts of reason, conscience, came from great and cunning persons, and though not the most sodain, yet they are the most dangerous, and sure wayes to eat out our Laws, our liberties.

Unlimited power must be in some to make and repeal Laws to fit the dispositions of times and persons, Nature placeth this in common consent only and where all cannot conveniently meet, instructeth them to give their consents to some they know or believe so well of as to be bound to what they agree on. His Majestie, your Lordships and the Commons are thus met in Parliament, (and so long as we are often reduced to this main foundation, our King and we shall prosper.) The power of a Judge is limited by the Lawes made.

This Judge will not allow us our knowledge or any reason, he will have our minds, our souls slaves. A grand Jury-man gave his fellows true information, they present an innovation in the Church, are threatned and reviled for it; he that told this truth is charged (I shall use this Judges own words) to sin in that, and that he made others forswear themselves; this Judge sent him to the common goal, where he is laid in irons, and all this, because he and they durst meddle with Church-matters. He is forced to tear the Presentment in pieces in open Court; our Laws provide for the peace of our consciences, many Acts of Parliament are for it, and the trust by those Acts left to Juries; this Judge well knew all this; your Lordships have heard what he did to the Jury at *Hartford*; He would have us to know no more Divinity then to obey what the Great of the Clergy directed, no more Law then what he said was so.

Judges in former times, (but onely such as were examples of punishment, as of injustice) in cases of great and publike concernment forbare proceedings till the next Parliament. This necessitated the calling of Parliaments; this Judge had as many such causes before him, as ever any had, yet he never desired the resolution of Parliament in any one, for the wayes he went, the necessitie was never to have a Parliament, he would pull up that root of our safeties and liberties, which whilst we enjoy, the malice or injustice of all other Courts and persons can never ruine, and when neere to ruin (as most neere of late) that onely sure remedy will helpe us. Nothing can ruine a Parliament, but it selfe.

The evils which we have suffered under, they were committed by the Judges, or by them ought to have been and might have been prevented.

This Judge assisted in causing the miseries we suffered in the Starchamber and at the councill table, he denied the known rights which he ought to have granted us to stop our grievances in the Ecclesiasticall Courts, his unjust judgements were the causes of our sufferings in other Courts.

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The best lovers of their Laws and liberties, the most honest suffer most by an unjust Judge, the most oppose his vices; dishonest persons find such a Judge to fit their purposes, the Judge finds them for his, the bond of iniquity confederates them.

He that will do no wrong, will suffer none which he can help: the man that knows himself born free, will do his utmost to live so, and to leave freedom to his posterity, were he in slavery, when by outward gesture thought to be most delighted, were his mind then known, there would be found vexation, and his busie thoughts imployed to redeem himselfe and his posterity from thraldome. But could this Judge intend to make himself and his own posterity Slaves? What he did was through error of judgment onely; No my Lords, what his aimes and endeavours were is apparent. To consider man in the generall, we shall find in every age he will be a slave to some few, that many may be slaves to him, he looks to himself onely; this he would doe or forbear doing to be great, to be rich, had he children or kindred or had none. This highly unjust Judge by continuing sinnes, maintained his actions to preserve himself, he knew to be found guilty in one of his offences, the penaltie of the Law for it, therefore covered the offences committed with inventing and acting others.

For a Judge to be unjust, more hurts the publique then any other, he is not suspected. What a Judge doth is looked on as a thing that ought to be done. The most pernitions great man that by cunning hath got to himselfe the heart and tongue of his Prince, his ill acts have dyed with him, if not taken up by others, and then they walke in darkenesse, No man will justifie what he doth by saying such a favorite did it, but the unjust Judgments of this Judge were given in the noone day, were done in the face of the whole Kingdome in the hearing of such as might carry the newes to all parts of the Realm, and were therefore done. His unjust Judgements, were our records. We have seen wicked great men most craftily politique, they hated our Laws, yet not meeting with active Judges moulded to their purposes, they and their acts have dyed, the Realm flourished, but of late others lesse politique meeting with most unjust Judges, every way as ill as they could wish them to be, then did the Kingdome faint under the load of its misery, did long struggle; now its rising I assure my self, your Lordships will assist to take off the burden.

Had a great man desired the estates of others, the breach of a Proclamation might readily have been charged against them in the Starchamber: but they, it may be could have answered and cleared themselves, and proved their answers by testimonies, had they been referred to this Judge, he would have expunged the one, suppressed the other. Then followed Fines to the value of their estates, or more, then imprisonments of course till they paid such Fines; your Lordships have heard what this Judge did to the Sope-boylers.

If the designs of some would not have such a man to be at liberty, a warrant from some Lords of the Councell would soon have laid him in prison, and given no cause; had he moved this Judge to be discharged or bailed, he could have obtained neither, if their wayes would not have en-

dured that man to live, a Judge reviling the prisoner, and his Councell that moved for his discharge or baile, joyned with the hate of some great man, might soon have moved a Gaoler for unwholsome rooms and lodging, and ill diet for his prisoner, and they may soon take life away.

Offenders in prisons are looked after to be safe onely such as are brought in by power against Law, are abused.

The Country-man followed the plough and his thinking he was assured of his right of Propertie and libertie, gave him abilitie to doe it. He beleaved his neighbour, his landlord, his King, could not take his goods from him without his consent. He knew the usuall paiments by law and in extraordinary causes thought to have that care to choose such for his Knights of the shire, or for his Burgeses, as might be mindfull of the cause of paiment, and of his estate.

This man hath heard the opinions and judgement of this Judge, hath seen his goods taken from him without his or his knights of the Shire, or Burgeses consent or advise. These have made him, his wife, and children to joyne in teares to wish they had never been born, these have made them think on many wayes to keepe safe that estate which was yet left them, have made them desire to sell all their goods, and hide the money, but then he remembers this Judge, how that he shall be carryed to prison, and remain there if he pay not what please others to asseffe him. Then they thinke idle persons (the droanes and moths of the Common wealth) to be a wise people, who be unworthy to live, they formerly conceited. They expect and can think of nothing, but to be Beggars.

Where publike and enormous offences have been committed, eminent and notorious punishments must be, such will make your Lordships proceedings highly esteemed, else there will be so many offenders, as none without danger can be punished.

This Judge, subverting our Lawes, tooke away the hearts of many; he subscribed for the Kings power, but so as he put him on taking his Subjects goods, and of all other, such wayes be most dangerous; For we know, his Majestie is not the last that suffers, and is not the King worth many thousands.

The place of this Judge was to have given and preserved to the King the hearts of his Subjects, the due execution of the lawes had done this, and when such notice is taken of a Prince, none will conspire against him who cannot faine to themselves safety before or after any fact committed. Forraigne enemies will not invade his Kingdomes.

Thus hath his Majestie now got our hearts, and will for ever have them. This Judge is to answer for what his Majestie, and for what we have suffered.

I am by command of the House of Commons to desire of your Lordships that the proceedings against Sir Robert Berkley Knight, one of the Justices of his Majesties Court of Kings Bench may be put in as speedy a way of Triall, as the course of Parliament will allow.

Three

Three SPEECHES made by the KINGS most Excellent MAJESTY. The first to divers Lords and Colonels in His Majesties Tent; the second to His souldiers in the field; the third to His whole Army, immediately before the late Battell at KEINTON neer BANBURY. Wherein His Majesties resolutions are declared, being sent to Master WALLIS in LONDON, in a Letter from an eminent Gentleman, Colonell WESTON, one of His MAJESTIES Commanders.

MY Lords, and the rest here present, if this day shine prosperous unto us, we shall all be happy in a glorious victory. Your King is both your cause, your quarrell, and your Captain. The Foe is in fight, now shew your selves no malignant parties, but with your swords declare what courage and fidelity is within you. I have written and declared that I intended alwayes to maintaine and defend the Protestant Religion, the Rights and Priviledges of the Parliament, and the Liberties of the Subject, and now I must prove my words by the convincing Argument of the sword. Let Heaven shew his power by this days victory to declare me just, and as a lawfull so a loving King to my subjects. The best encouragement I can give you is this, that come life or death, your King will beare you company, and ever keep this Field, this place, and this days service in his gratefull remembrance.

The KING'S SPEECH to his Souldiers.

Gentlemen,

YOU are called Cavaliers and Royalists, in a disgracefull manner: If I suffer in my fame, needs must you doe also. Now expresse your selves my friends and not malignants, fight for your King, the peace of the Kingdome, and the Protestant Religion; It is not so great an honour to keep the white candor of opinion, sometimes confirmed by the rabble multitude without distinction, as when our reputation hath suffered some diminution, and been in the Eclipse of Royal splendor, to make it shine out againe with cleere resplendent beames of Majesty. I have drawne and collected you from severall Countries, and you have like true friends followed me in all my occasions and fortunes, we are now all engaged as near as life or fame concernes us, and if I thought that any of your affections wanted provocation to stir your magnanimous resolutions in the action of this dayes service, I would use words to inflame your anger, and tell you some reason of high encouragement, that should produce in you all a nobly mounted anger, since the inequality of this field, pretended for the defence of the Protestant Religion, and by me intended to the same purpose, doth expresse a secret distrust of reality in my Royall intentions. You are called Cavaliers in a reproachfull signification, and ye are all designed for the slaughter, if you do not manfully behave

behave your selves in this Battell: They call all the Kings Troopers Cavaliers; but let them now know that the valour of the Cavaliers hath honoured that name both in *France* and other Countries, and now let it be known in *England* as well as Horseman or Trooper, it signifying no more but a Gentleman serving his King on Horseback, shew your selves therefore now courageous Cavaliers, and beat backe all opprobrious speeches and aspersions cast upon you by the Enemy. Let them know and discern, that for your King you dare adventure your selves, and for the eternall reward of a just acquired honour.

The KING'S MAJESTIES SPEECH to his whole Army, immediately before the Battell.

THE King riding up to the fore-front, or head of his Armie, made a Royall Speech unto them all; the Effect whereof, I have signified unto you in this my Letter.

Friends and Souldiers, I look upon you with joy, to behold so great an Armie as ever King of *England* had in these later times, standing with high and full resolutions to defend your King, the Parliament, and all my loyall Subjects. I thanke your loves offered to your King, with a desire to hazard your lives and fortunes with me, and in my Cause, freely offered, and that in my urgent necessitie; I see by you, that no father can relinquish and leave his son, no Subject his lawfull King; but I attribute all this unto God, and the justnesse of my Cause; hee that made Us a King will protect us: we have marched so long in hope to meet no Enemy, we knowing none at whose hands we deserve any opposition, nor can our sunne-shining through the clouds of malignant envie, suffer such an obscuritie, but that some influence of my Regall authoritie, deriv'd from God, whose Substitute and Supream Governor under Christ I am, hath begotten in you a confidence in my intentions. But matters are now not to be declared by words, but by swords; you all think our thoughts, endeavour to defend our Person, while I raign over your affections as well as your persons: Now therefore know, my resolution is to trie the doubtfull chance of warre, which with much griefe I must stand to, and endure the hazard; I desire not the effusion of blood, but since heaven hath so decreed that so much preparation hath been made, We must needs accept of this present occasion and opportunitie of gaining an honourable victory, and some addition of glory to our Crowne; since reputation is that which doth guild over the richest gold, and shall be ever the endeavour of Our whole raigne. The present Action of this Battell makes me speak briefly, and yet lovingly and royally unto you, Our loyall Armie. I put not my confidence in your strength or number, but confide, that though your King speaks unto you, and that with as much love and affection as ever King of *England* did to his Armie; yet God and the justnesse of Our Cause, together with the love I bear to the whole Kingdome, must give you the best encouragement. In a word, your King bids you all be courageous, and Heaven make you victorious.

A briefe

A briefe RELATION of the Death and Sufferings of the Most Reverend and renowned Prelate the Lord Archbishop of *Canterbury*: With a more perfect Copy of his SPEECH, and other Passages on the Scaffold, than hath beene hitherto imprinted. From the Collections of Sir *Fran. Eyles Haskins Styles*, Baronet.

JEREM. 26. 14, 15.

14. *As for mee, behold I am in your hands, do with mee as seemeth good and meete unto you:*
 15. *But know ye for certaine, that if yee put mee to death, ye shall surely bring innocent blood upon your selves, and upon this City, and upon the Inhabitants thereof, &c.*

IT is a preposterous kinde of writing to beginne the story of a great mans life, at the houre of his death; a most strange way of setting forth a solemn *Tragedie*, to keepe the *principal Actor* in the *tyring-house*, till the *Play* be done, and then to bring him on the *Stage* onely to speake the *Epilogue*, and receive the *Plaudites*. Yet this must bee the scope and method of these following papers. To write the whole life of the most Reverend and Renowned *Prelate* the Lord Arch-Bishop of *Canterbury*, would require more time then publique expectation can endure to heare of. Those that can judge (as all wise men may) of the brightnesse and glories of the Sunne in his highest altitude by the clearnesse of his gowing downe; or that can *Ortum Solis in occasu quærere*: discern the rising of the Sunne (as once *Straton* Justin. hist. 1. did) by the reflection of his beames in a Westerne cloud; may by the glorious manner of his death and sufferings, presented in these short *Remembrances*, conjecture at the splendour of those rare endowments both of Grace and Nature, wherewith his former life was adorned and beautified. The ordinary and unsatisfied Reader, may for his farther satisfaction repaire to Master *Prynn's Breviate* of his life and actions, though publish'd of purpose to defame him, and render him more odious to the common people. Concerning which, the Reader may observe in briefe, that all which Mr. *Prynn's* industrious malice hath accused him of in those Collections, is, that hee was a man of such eminent vertues, such an exemplary piety towards God, such an unwearied fidelity to his gracious Sovereigne, of such a publique soule towards Church and State; so fixt a constancy in Friendship, and one so little biassed by his private interestes; that this Age affords not many Equalls. And it would trouble *Plutarch*, (if he were alive,) to find out a fit *Parallell* with whom to match him. All therefore I shall

shall doe at the present time, (and 'tis the last publique Office I shall doe him) is, to lay down the story of his *death* and *sufferings*, together with a view of those *plots* and *practises* which were set on foote, to pluck a few yeares from a weake old man, and bring him to an unnaturall calamitous end. For though that *maxime* in *Philosophy* is most true and certaine: that *corruptio est in instanti*, that death comes to us in a *moment*, or in the twinkling of an eye, as the Scriptures phrase is; yet are there many *previous dispositions* which make way unto it; all which are comprehended in the name of *death*. And in that latitude of expresseion doe we take the word, in laying downe the story of his *death* before you; which being writ out of an honest zeale to truth, and a sincere affection to his name and memory, shall either bee approved of, or at least excused.

II. It was the practice and position of the antient *Donatists*, (the Predecessours and Progenitors of the modern *Puritan*) *occidere quemcunq; qui contra eos fecerit*; to kill and make away whoever durst oppose their doings, or was conceived to be an hinderance to their growing faction. And by this *Card* their followers in these Kingdomes have beene *steered* of late, imprisoning and destroying all who have stood against them. It is long since they entertained such desperate purposes against the life and person of the Lord Arch-Bishop, threatening his death in scattered Libels, telling him *that his life was sought for*, that *neither God nor man could endure so vile a Counsellour to live any longer*. This was about the end of *March* 1629. and was the *Prologue* to those *libells*, full of threats and scandals, which yeare by yeare exasperated and inflamed the people, till they had made them ripe for mischief, and readily prepared to execute whatever their grand Directours should suggest unto them. Saint *Paul* did never fight more frequent and more terrible combats with the *beasts of Ephesus*, for the promotion of the Gospell, then he with these untractable and firey spirits, who most seditiously opposed his religious purposes of settling *unity* and *uniformity* in this Church of *England*. And in this state things stood till the yeare, 1640. in which not onely many factious and seditious people in and about the City of *London*, made an assault by night on his house at *Lambeth*, with an intent to murder him, had they found him there: but the whole faction of the *Scots* declared in a *Remonstrance* to the *English* Nation, that one of the chiefe causes which induced them to invade this Realme, was to remove him from his Majesty, and bring him to the punishment which he had deserved. The manner of their comming hither, and the great entertainment given them by the faction here, shewed plainly that they were not like to bee sent away without their *Errand*: and makes it evident that his ruine was

was resolved on in their *secret Counsells*, before the Parliament was called, or that they had declared so much by their *will revealed*.

The *Parliament* had not long continued, but he is named for an *Incendiary* by the *Scottish Commissioners*; and thereupon accused of Treason by the *House of Commons*. And although no particular *Charge* was brought against him, but only a bare promise to prepare it in convenient time; yet was he presently committed to the custody of the *Gentleman Usher*, and by him kept in duresse till the end of *February*, (being full tenne weeks :) about which time his charge was brought unto the *Lords*, but in generals only, and longer time required for particular instances. And yet upon this *Lydford law*, (by which they used to hang men first, and endite them afterwards) was he committed to the *Tower*, being followed almost all the way by the Rascall multitude, who barbarously pursued him with reproach and clamours to the very gates; and there detained, contrary to all law and justice almost four yeares longer. This was the first great breach which was made by *Parliament* in the *liberties* of the *English Subject*; (save that their like proceeding with the Earle of *Strafford*, was a preparative unto it;) and was indeed the very *gappe*, at which the *slavery* and *oppression*, under which this miserable Nation doth now pine and languish, did break in upon them. What right could meaner persons looke for, when as so great a *Peere* was doomed to so long imprisonment, without being called unto his Answer? What else hath filled so many *Prisons* in most parts of the Kingdome, with the best and wealthiest of the Subjects; but the most dangerous effects and consequences of this woful *President*? Which as it was the leading case unto all our pressures; so might those pressures have beene remedied, had the Subject made his case their owne; and laboured to prevent it in convenient time. But such a miserable *infatuation* had befallen them generally, that *seeing they did see*,
but would not perceive.

III.

Decemb. 18.
1640.

March 1. 1640

Matth. 13. 14.

But yet the malice of his Enemies was not so contented. For though some of the more moderate (or rather the lesse violent) *Lords*, who did not pierce into the depth of the designe, gave out that they intended only to remove him from his Majesty's eare, and to deprive him of his *Arch-Bishoprick*, (which resolution notwithstanding being taken up before any charge was brought against him, was as unjust though not so cruell, as the others :) yet they shewed only by this *Overture*, that they did reckon without their hosts, and might be of the *Court* perchance, but not of the *Counsell*. The leading and predominant party thought of nothing lesse, then that he should escape with *life*, or go off with *liberty*; Only perhaps they might conceive some wicked hopes, that either the

IV.

tediousnesse of his restraint, or the indignities and affronts which day by day were offered to him, would have broke his heart, not formerly accustomed to the like oppressions. And then like *Pilate* Matth. 27. 24. in the Gospel they had called for *water, and washed their hands before the multitude, and said, that they were innocent of the blood of that righteous person*; thinking that by such wretched *figge-leaves*, they could not only hide their wickednesse, and deceive poore men; but that *God* also might be mocked, and his All-seeing eye deluded, to which *all hearts lye open, all desires are knowne and from which no secrets can be bidden*. To this end not content to immure him up within the walls of the *Tower*, they robbe him of his *meniall* servants, restraine him to two only of his number, and those not to have conference with any others, but in the presence of his *Warder*: and in conclusion make him a *close Prisoner*, not suffering him to go out of his Lodging to refresh himselfe, May 9. 1643. but in the company of his *keeper*. And all this while they vex his soul continually with scandalous and infamous Papers, and set up factious and seditious Preachers to enveigh against him in the Pulpit to his very face; so to expose him to the scorne both of boyes and women, who many times stood up and turned towards him, to observe his countenance, to see if any alteration did appear therein. And to the same ungodly end, did they divest him of his *Archiepiscopall* and *Episcopall* jurisdiction, conferring it on his inferior and subordinate Officers; sequester his rents under pretence of maintenance for the Kings younger Children (as if his Majesties Revenues which they had invaded, were not sufficient for that purpose) convert his House at *Lambeth* into a Prison, and confiscate all his Coals and fewell to the use of their *Gaoler*; de- Nov. 8. 1642. Jan. 5. 1642. May 16. 1643. May 9. 1643. May 31. 1643. prive him of his right of *Patronage*, and take into their owne hands the disposing of all his *Benefices*; seize upon all his goods and books which they found at *Lambeth*; and in conclusion rife him of his notes and papers, not only such as were of ordinary use and observation, but such as did concerne him in the way of his just defence. In which they did not any thing from the first to the last, but in a proud *defiance* to the lawes of the land, which they most impudently violated in all these particulars, and more than so, they had proceeded steppe by steppe, to this height of tyranny a whole year almost before they had digested their generall charge into particular Accusations; or ever called him to his Answer in due forme of law.

V. But God had given him such a measure both of strength and patience, that these afflictions, though most great and irkesome, did make no more impressions on him, than an Arrow on a rocke of *Adamant*. For at his first commitment he besought his God (as Master *Pryn* observes out of his *Manuall of devotions*) to give him

him full patience, proportionable comfort, and contentment with whatsoever he should send; and he was heard in that he prayed for. For notwithstanding that he had fed so long on the bread of carefulnesse, and dranke the water of affliction: yet, as the Scripture ^{Dan. 1. 13.} telleth us of the foure Hebrew children, his countenance appeared fairer and fatter in flesh, then any of those who eat their portion of the Kings meat, or dranke of his wine. And he was wont to say to his private friends, that, he thanked God, he never found more sweet contentment in his greatest liberty, then in the time of that restraint. And certainly it was no wonder that it should be so, he being conscious to himselfe of no other crimes, which drew that fatall storme upon him, then a religious zeale to the honour of God, the happinesse of the King, and the preservation of the Church in her peace and patrimony, as he professeth at his death before all the people. So that despairing of successe in the way intended, his enemies fell upon another, but more desperate course, which was to ship him for New-England, and make him subject to the infolencies of Wells and Peters, two notorious Schismaticks. But this being put to the question in the house of Commons, was rejected ^{April 26. 1643.} by the major part: not out of pity to his age, or consideration of his quality, nor in respect unto the lawes so often violated; but to preserve him yet a while, as a stale, or property, wherewith to cheat the Citizens of some further summes, and to invite the Scots to a new invasion, when their occasion so required. For it was little doubted by discerning men, but that the Scots, who made their first invasion on a probable hope of sequestering the Lord Arch-bishop and the Earle of Strafford from His Majesties Counsels; and sped it so well in their designe, that they who were recompensed already with the death of the one, would easily be tempted to a second journey, upon assurance to be glutted with the bloud of the other.

And this appeares more plaine and evident, in that about the coming on of the Scots, which was in the midst of January, 1643, they did again revive the businesse, which had long lain dormant; causing the Articles, which they had framed in maintenance of their former Accusation, to be put in print about that time, as is apparent by the Test of John Browne their Clerke, dated the 17th of that Month. And as the Scots advanced or slackned in their marches Southward, so did they either quicken or retard the worke: till hearing of the great successes which they had in Yorkshire, they gave command to Master Prynne (a Man most mischievously industrious to disturbe the publique) to prosecute the charge against him, and bring him to his long expected triall; as he reports it of himself, who, having rifled him of his Papers, and thereby robbed him of those helpes, which hee had purposely reserved

VI.

In his Epistle
to the Breviate

Luke 22. 31.

served for his just defence; and having personal quarrels of his owne to revenge upon him, was thought to be the fittest *Blood-bound* in the whole Kennell, to pursue the Scent. And now there was no talke but of quick dispatch. When hatred doth accuse, and malice prosecute, and prejudice and prepossession sit upon the Bench, God help the innocent. There's nothing but a miracle can preserve him then; and so it proved in the Event: They called him often to the Barre, both before and after, caused a strict inquisition to be made into all his actions: they *winnowed* him like *wheate*, and *sifted* him to the very bran, (which was you know the *Devils* office;) they had against him all advantages of power and malice, and witnesses at hand upon all occasions: but still they found his answers and his resolutions of so good a temper, his innocence and integrity of so bright a die, that as they knew not how to dismiss him with credit, so neither could they find a way to condemne him with justice. And though their Consciences could tell them, that hee had done nothing which deserved either *death* or *bonds*; yet either to reward or oblige the *Scots*, who would not think themselves secure whilst his head was on, they were resolved to bring him to a speedy end. Onely they did desire, if possible, to lay the *Odium* of the murther upon the common people. And therefore Serjeant *Wilde*, in a speech against him, having aggravated his supposed offences to the highest pitch, concluded thus, *That he was guilty of so many and notorious Treasons, so evidently destructive to the Common-wealth, that he marvelled the People did not teare him in Pieces as hee passed between his Barge, and the Parliament Houses.* Which barbarous and bloody project when it would not take, and that though many of the Rabble did desire his Death, yet none would be the Executioner; they then employed some of their most malicious and most active instruments, to goe from dore to dore, and from man to man, to get hands against him; and so petition those to hasten to his condemnation, which must, forsooth, be forced to their owne desires: (whereof, and of the *Magistrates standing still, and suffering them to proceed* without any *check*, he gave them a *memento* in his dying speech.) This being obtained, the businesse was pursued with such heate and violence, that by the beginning of *November* it was made ready for a sentence; which some conceived would have beene given in the *King's Bench*, and that their proofes (such as they were) being fully ripened, hee should have beene put over to a *Middlesex Jury*. But they were onely some poor *Ignorants* which conceived so of it. The leading members of the Plot thought of no such matter; and, to say truth, it did concern them highly not to goe that way: For though there was no question to be made at all, but that they could have packed a *Jury* to have found the *Bill*; but by a clause in the *Attainder* of the Earle of *Strafford*

Strafford they had bound the *Judges*, not to declare those Facts for Treason in the Time to come, for which they had condemned and executed that Heroicke Peere. And therefore it was done with great care and caution to proceed by *Ordinance*, and vote him guilty first in the *House of Commons*; in which being parties, witnesses, and Judges too, they were assured to passe it as they would themselves; which was done accordingly, about the 20th of *November*.

But yet the businesse was not done, for the *Lords* stuck at it. Some of which having not extinguished all the *sparks* of honour, did by the light thereof discover the injustice of so foule a practice; together with the danger that might befall themselves, if once disfavoured by the *Grande*s of that potent faction. A thing so stomacked by the *Commons*, that after some evaporations of their heate and passion, which broke out into open threats, they presently drew and sent up an *Ordinance* to the *Lords*, tending to dispossesse them of all power and command in their Armies. But fearing this device was too weake to hold, they fall upon another and a likelier project, which was to bring the *Lords* to sit in the *Commons* House; where they were sure they should be inconsiderable both for power and number. And to effect the same with more speed and certainty, they had recourse to their old Arts, drew down Sir *David Watkins* with his generall muster of subscriptions, and put a petition in his hands, to be tendred by him to the *Houses*, that is, themselves: wherein it was required amongst other things, that they would vigorously proceed unto the punishment of all *Delinquents*; and that for the more quick dispatch of the publick businesse of the State, the *Lords* would please to vote and sit together with the *Commons*. On such uncertaine termes, such a ticklish *Tenure* do they now hold their place and power in *Parliament*; who so officiously complied with the *House of Commons*, in depriving the *Bishops* of their *Votes*, and the *Churches* birth-right. And this was it which helped them in that time of need. For by this (though stale and common) Stratagem did they prevaile so far upon some weak spirits, that the Earles of *Kent*, *Pembroke*, *Salisbury*, and *Bullingbrook*, the Lords *North*, *Gray of Wark*, and *Brews*, (a *Scotchman*, but an *English* Baron, and generally called the Earle of *Elgin*) resolved to yield unto the current of so strong a streame: and thought they made a gaining voyage, if by delivering the Lord *Arch-Bishop* to the peoples fury, they might preserve themselves in the peoples favour. And we know well, both who it was, and what end he came to, who, though he knew that the accused party was delivered him out of envy onely, and that he found no evill he was guilty of; yet being wearied with the clamours and the *Crucifixes* of the common people, and fearing that some tumult would be made

VII.

Mat. 27. v. 18.
22, 23, 24, 26.

Act 23. v. 13.
20, 23, &c.

made about it, *delivered him unto his enemies* to be put to death. And for those other *Lords* who withdrew themselves, and neither durst *condemne* nor *protect the innocent*; (though far the *major part*, as it is reported) it is not easy to determine, whether their conscience were more tender, their Collusion grosser, or their courage weaker. All I shall say is onely this, that *Claudias Lysias* in the *Acts*, had beene as guilty of *Saint Pauls* death, as any of the *forty* who had *vowed to kill him*; if upon notice of the Plot which was laid to murther him, he had *brought him down unto the people*, or not conveyed him with a strong guard to the Court of *Felix*. The journies end must needs be foule, which such lewd and crooked waies do conduct unto. And it is worth your observation, that the same day, the fourth of *January*, in which they passed this *bloudy Ordinance*, (as if therein they would cry quittance with his Sacred Majesty, who on the same accused the six guilty Members) they passed another for establishing their new *Directory*; which in effect is nothing but a totall abolition of the Common-prayer-booke, and thereby shewed unto the world, how little hopes they had of settling their new forme of worship if the foundation of it were not laid in bloud.

VIII.

The *Bill* being thus dispatched in the House of *Lords*, (if still they may be called the *Lords*, which are so *over-loaded* by the Common people) there wanted yet the Kings *Assent* to give life to it: which they so far contemned, (they had more reason to despare of it) that they never fought it. They had screwed up their *Ordinances* to so high a pitch, that never *Act* of *Parliament* was of more authority: and having found the subjects so obedient as to yield unto them in matters which concerned them in their *goods* and *liberties*; it was but one step more to make triall of them, whether they would submit their lives to the selfe same tyranny: And this they made the first experiment in this kind, both of their own *power*, and the peoples *patience*; he being the *first man*, as himselfe noted in his speech, (which words are purposely omitted in *Hindes Copy* of it;) *that was ever put to death by Ordinance* in Parliament: but whether he shall be the last, further time will shew. Certaine it is, that by this *Ordinance* they have now made themselves the absolute masters of the Subjects life, which they can call for at their pleasure, as no doubt they will; and left him nothing but his fetters he can call his owne. Just as it was observed by our Gracious Soveraigne, upon occasion of the *Ordinance* for the 20th part, that *the same power which robbed the Subject of the twentieth part of their Estates, had by that only made a claime and entituled it selfe to the other nineteene, whensoever it should be thought expedient to hasten on the generall ruine*. In which His Majesty hath proved but too true a *Prophet*. And though

Declaration about the twentieth part.

though perhaps some of the people were well pleased with this bloody Ordinance, and ran with joy to see it put in execution; yet all wise men doe looke upon it as the last groane or gaspe of our dying liberty. And let both them and those who passed it, be assured of this, that they who doe so gladly sell the blood of their fellow Subjects, seldome want Chapmen for their owne in an open Market.

And here, as it was once observed, that the predominant party of the *United Provinces*, to bring about their ends in the death of *Barneveldt*, subverted all those *fundamentall Lawes* of the *Belgick liberty*; for maintenance whereof they took up Arms against *Philip the 2.* so would I know which of those *Fundamentall Lawes* of the *English Government* have not been violated by these men in their whole proceedings; for preservation of which Lawes (or rather under colour of such preservation) they have bewitched the people unto this Rebellion: It is a *Fundamentall Law* of the *English Government*, and the first Article in the *Magna Charta*, Magna Ch. c. 1. that the Church of England shall be free, and shall have her whole Rights and Priviledges inviolable: yet to make way unto the condemnation of this innocent man, and other the like wicked and ungodly ends, the Bishops must be Voted out of their place in Parliament, which most of them have held farre longer in their Predecessors, then any of our noble Families in their Progenitours. And if the Lords refuse to give way unto it (as at first they did) the people must come downe to the House in multitudes, and cry, *No Bishops, no Bishops*, at the Parliament doores, till by the terrour of their tumults they extort it from them. It is a *Fun-* Magn. Chart. c. 29. 28. Edw. 3. And the Petition of Right. *damentall Law* of the *English liberty*, that no Free man shall be taken or imprisoned without cause shewne, or be detained without being brought unto his answer in due forme of Law: yet here we see a Free-man imprisoned tenne whole weekes together, before any Charge was brought against him; and kept in prison three years more, before his generall Accusation was by them reduced into particulars; and for a yeere almost detained close prisoner, without being brought unto his answer, as the Law requires. It is a *Fundamentall Law* of the *English Government*, that no man be dis- Magn. Chart. c. 29. 28. Edw. 3. *seised of his Freehold or Liberties*, but by the knowne Lawes of the Land: yet here wee see a man disseised of his Rents and Lands, spoyled of his Goods, deprived of his jurisdiction, divested of his Right and Patronage; and all this done, when hee was so farre from being convicted by the Lawes of the Land, that no particular charge was so much as thought of. It is a *Fundamentall Law* ibid. of the *English Liberty*, that no man shall be condemned, or put to death, but by lawfull judgement of his Peeres, or by the Law of the Land, i. e. in the ordinary way of a legall tryall: and sure an Ordinance

IX.

25 Edw. 3.

dinance of both Houses, without the *Royall Assent*, in no part of the Law of *England*, nor held an ordinary way of triall for the *English* subject, or ever reckoned to be such in the former times. And finally, it is a *Fundamentall Law* in the *English* Government, that if any other case (than those receited in the Statute of King Edward 3.) which is supposed to be Treason, doe happen before any of His Majesties Justices, the Justices shall tarry without giving judgement, till the cause be shewne and declared before the King, and His Parliament, whether it ought to be judged Treason or not: yet here wee have a new found Treason, never knowne before, nor declared such by any of His Majesties Justices nor ever brought to be considered of by the King and His Parliament, but onely voted to be such by some of those few Members which remaine at *Westminster*, who were resolved to have it so for their private ends. Put all which hath been said together, and then tell me truly, if there be any difference (for I see not any) between the ancient *Roman slaves*, and the once *Free-born Subject* of the *English* Nation, whose life and liberty, whose goods and fortunes depend on the meere pleasure of their mighty Masters.

X.

But to returne unto our Story, the passing of the Ordinance being made knowne unto him, he neither entertained the newes with a *Stoicall Apathie*, nor wailed his Fate with weake and womanish lamentions, (to which extreames most men are carried in this case) but heard it with so even and so smooth a temper, as shewed he neither was afraid to live, nor ashamed to die. The time betweene the Sentence and the Execution, he spent in prayers and applications to the Lord his God; having obtained, though not without some difficulty, a Chaplaine of his owne, to attend upon him, and to assist him in the worke of his preparation: though little preparation needed to receive that blow, which could not but be welcome, because long expected; For so well was he studied in the art of dying (especially in the last and strictest part of his imprisonment) that by continuall fasting, watching, prayers, and such like acts of Christian humiliation, his flesh was rarified into spirit, and the whole man so fitted for eternall glories, that he was more then halfe in heaven, before death brought his bloody (but triumphant) chariot to convey him thither. He that had so long been a *Confessour*, could not but thinke it a release of miseries to be made a *Martyr*; And as is recorded of *Alexander* the Great that the night before his best and greatest battaile with *Darius* the *Persian*, he fell into so sound a sleepe, that his Princes hardly could awake him when the morning came: so is it certified of this great *Prelate*, that on the evening before his *Passover*, the night before the dismall combat betwixt him and death, after he had refreshed his spirits with a moderate supper, he betook himselfe unto his rest, and slept

Plutarch in
Alexander.

slept very soundly, till the time came in which his servants were
 appointed to attend his rising. A most assured signe of a soule
 prepared. The fatall morning being come, he first applyed him-
 selfe to his private prayers, and so continued, till *Pennington*, and
 other of their publique Officers came to conduct him to the Scaf-
 fold: which he ascended with so brave a courage, such a chearfull
 countenance, as if he had mounted rather to behold a triumph,
 than to be made a sacrifice, and came not there to *die*, but to be
translated. And to say truth, it was no *Scaffold*, but a *Throne*; a
 Throne whereon he shortly was to receive a *Crowne*, even the most
 glorious Crowne of *Martyrdome*. And though some rude, un-
 civill people reviled him as he passed along with opprobrious lan-
 guage, as loth to let him go to the *Grave* in peace, it never dis-
 composed his thoughts, nor disturbed his patience. For he had
 profited so well in the schoole of *Christ*, that *when he was reviled he*
reviled not again, when he suffered he threatned not, but committed
his cause to him that judgeth righteously. And as he did not feare
 the frownes, so neither did he covet the applause of the vulgar
 herd, and therefore rather chose to read what he had to speake un-
 to the people, than to affect the ostentation either of memory or
 wit in that dreadfull *Agony*: whether with greater *magnanimity*
 or *prudence*, I can hardly say. As for the matter of his Speech,
 besides what did concerne himselfe and his owne *purgation*, his
 great care was to cleare His Majestie, and the *Church of England*
 from any inclination unto *Popery*; with a perswasion of the which
 the Authors of our present miseries, had abused the people, and
 made them take up Armes against their Sovereigne. A faith-
 ful servant to the last. By meanes whereof, as it is said of *Samp-*
son in the booke of *Judges*, that *the men which he slew at his*
death were more then they which he slew in his life: so may it be
 affirmed of this famous Prelate, that he gave a greater blow
 unto the enemies of God and the King at the houre of his death,
 than he had given them in his whole life before; of which I
 doubt not but the King and the Church will find speedy fruits.
 But this you will more clearly see by the Speech itselfe, which
 followeth here according to the best and most perfect Copies.

Friday, Jan. 10.
1644.

1 Pet. 2. 23.

Judg. 21. 30.

XI

A Speech of the L. Archbishop of Canterbury, spoken
 at his death upon the *Scaffold* on the *Tower-hill*
January 10. 1644.

Good People,

T His is an uncomfortable time to Preach, yet I shall begin with
 a Text of Scripture, Heb. 12. 2. Let us run with Patience
 Vol. II. Q q that

A Second Collection of TRACTS.

that race which is set before us, Looking unto JESUS the Author and finisher of our Faith, who for the joy that was set before him, endured the Crosse, despising the shame, and is set down at the right hand of the throne of God.

I have been long in my Race, and how I have looked to JESUS the Author and finisher of my Faith, He best knowes: I am now come to the end of my Race, and here I finde the Crosse, a death of shame; but the shame must be despised, or no coming to the right hand of God; Jesus despised the shame for me, and God forbid but I should despise the shame for Him; I am going apace (as you see) towards the Red Sea, and my feet are now upon the very brinke of it; an Argument, I hope, that God is bringing me into the Land of promise, for that was the way through which he led his People: But before they came to it, He instituted a Passeover for them, a Lambe it was, but it must be eaten with sower Hearbs, I shall obey, and labour to digest the sower Hearbs, as well as the Lambe. And I shall remember it is the Lord's Passeover; I shall not thinke of the Herbs, nor be angry with the hand which gathereth them; but looke up only to Him who instituted that, and governes these; For men can have no more power over me than what is given them from above. I am not in love with this passage, through the Red Sea, for I have the weakenesse and infirmities of flesh and bloud plentifully in me; And I have prayed with my Saviour, ut transiret Calix iste, that this Cup of Red Wine might passe from me: But if not, God's will (not mine) be done, and I shall most willingly drinke of this Cup as deepe as He pleases, and enter into this Sea, yea and passe through it, in the way that he shall lead me.

Exod. 12. 8.

Joh. 19. 11.

Luke 22. 41.

Dan. 3.

Luke 6. 36.

But I would have it remembered (good People) that when God's Servants were in this boisterous Sea, and Aaron among them, the Egyptians which persecuted them (and did in a manner drive them into that Sea) were drowned in the same waters, while they were in pursuit of them; I know my God whom I serve, is as able to deliver me from this Sea of Bloud, as he was to deliver the three Children from the Furnace; and (I most humbly thanke my Saviour for it) my Resolution is now, as theirs was then; They would not worship the Image the King had set up, nor will I the Imaginations which the People are setting up; nor will I forsake the Temple and the truth of God, to follow the bleating of Jeroboams Calfe, in Dan and in Bethel. And as for this People, they are at this day miserably misled, (God of his mercy open their Eyes that they may see the right way) for at this day the Blind lead the Blind, and if they goe on, both will certainly fall into the ditch. For my selfe, I am (and I acknowledge it in all humility) a most grievous Sinner many waies, by thought, word, and deed, and I cannot doubt, but that God hath mercy in store for me (a poore Penitent) as well as for other sinners, I have now upon this sad occasion, ransacked every corner of my Heart, and yet

yet (I thank God) I have not found (among the many) any one sinne which deserves death by any knowne Law of this Kingdome; And yet hereby I charge nothing upon my Judges; for if they proceed upon prooffe (by valuable witnesses) I or any other innocent, may be justly condemned; And I thank God, though the weight of the sentence lye heavie upon me, I am as quiet within, as ever I was in my life. And though I am not only the first Archbishop, but the first man that ever dyed by an Ordinance of Parliament, yet some of my Predecessors have gone this way, though not by this meanes; for Elphegus was burried away and lost his head by the Danes; and Symon Sudbury in the fury of Wat Tyler and his fellowes; before these, Saint John Baptist had his head danced off by a lewd woman; and Saint Cyprian, Archbishop of Carthage, submitted his head to a persecuting Sword. Many Examples (great and good) and they teach me patience; for I hope my Cause in Heaven will looke of another dye, than the colour that is put upon it here. And some comfort it is to me, not only that I goe the way of these great men in their severall generations, but also that my Charge (as fowle as 'tis made) lookes like that of the Jewes against Saint Paul (Acts 25. 3.) For he was accused for the Law and the Temple, i. e. Religion; And like that of Saint Stephen (Acts 6. 14.) for breaking the Ordinances which Moses gave, i. e. Law and Religion, the holy Place and the Temple (verse 13.) But you will say, doe I then compare my selfe with the integrity of Saint Paul, and Saint Stephen? No, farre be that from me; I only raise a comfort to my selfe, that these great Saints and Servants of God were laid at in their times, as I am now. And 'tis memorable, that Saint Paul, who helped on this Accusation against Saint Stephen: did after fall under the very same himselfe. Yea, but here's a great Clamour, that I would have brought in Popery; I shall Answer that more fully by and by; In the mean time you know what the Pharisees said against Christ himself, If we let him alone, all men will believe in John 11. 48. him, *Et venient Romani*, and the Romans will come, and take away both our Place and the Nation. Here was a causelesse Cry against Christ that the Romans will come; And see how just the judgement of God was? they crucified Christ for feare lest the Romans should come, and his death was it which brought in the Romans upon them, God punishing them with that which they most feared: and I pray God this Clamour of *Venient Romani* (of which I have given no cause) helpe not to bring them in; for the Pope never had such a Harvest in England since the Reformation, as he hath now upon the Sects and Divisions that are amongst us. In the meane time, by Honour and Dishonour, by good Report and evill Report, as a Deceiver and yet true, am I passing through this World, 2 Cor. 6. 8.—Some particulars also I think it not amisse to speak of.

And first this I shall be bold to speake of, the King our gracious Sovereign; He hath been much traduced also for bringing in of Pope-

A Second Collection of TRACTS.

ry; but on my Conscience (of which I shall give God a very present accompt) I know Him to be as free from this Charge as any man living; and I hold him to be as sound a Protestant (according to the Religion by Law established) as any man in this Kingdome; and that he will venture his Life as farre, and as freely for it; and I thinke I doe, or should know, both His affection to Religion, and his grounds for it, as fully as any man in England.

Reader, the words included in the speech published by *Hinde*. Acts 6. 12.

Mat. 1. 15.

Psal. 9. 12.

Heb. 12.

See the words at large in the title of this Relation.

The second particular is concerning this great and Populous City, (which God blesse.) Here hath been of late, a fashion taken up, to gather hands, and then go to the great Court of this Kingdome, (the Parliament) and clamour for Justice, as if that great and wise court, before whom the Causes come, (which are unknown to the many) could not, or would not doe Justice, but at their appointment. A way, which may endanger many an Innocent man, and plucke his bloud upon their owne heads, and perhaps upon the Citie's also: And this hath been lately practised against myself; [the Magistrates standing still, and suffering them openly to proceed from Parish to Parish without checke;] God forgive the setters of this (with all my heart I begge it) but many well meaning People are caught by it. In Saint Stephen's case, when nothing else would serve, they stirred up the People against him; and Herod went the same way, when he had killed Saint James, yet he would not venture upon St. Peter, till he found how the other pleased the people. But take heed of having your hands full of bloud, for there is a time (best knowne to himselfe) when God (above all other sinnes) makes Inquisition for bloud, and when that Inquisition is on foot, the Psalmist tells us, That God remembers (but that's not all) He remembers and forgets not the complaint of the Poore, that is, whose bloud is shed by oppression, vers. 9. take heed of this, 'Tis a fearfull thing to fall into the hands of the living God, but then especially, when he is making Inquisition for bloud; And (with my Prayers to avert it) I doe heartily desire this City to remember the Prophecy that is expressed, Jer. 26. 15.

The third particular is the poore Church of England. It hath flourished and beene a shelter to other neighbouring Churches, when stormes have driven upon them. But, alas, now 'tis in a storme itself, and God only knowes whether, or how it shall get out; and (which is worse than a storme from without) it is become like an Oake cleft in shivers with wedges made out of it's owne body, and at every cleft prophanesse and irreligion is entring in, while as Prosper speakes (in his second Book De vitæ contemptu. cap. 4.) Men that introduce prophanesse are cloaked over with the name Religionis Imaginariæ, of Imaginary Religion; for we have lost the Substance and dwell too much in Opinion, and that Church which

which all the Jesuits machinations could not ruine, is fallen into danger by her owne.

The last particular (for I am not willing to be too long) is my self; I was borne and baptized in the bosome of the Church of England established by Law; in that profession I have ever since lived, and in that I come now to dye; This is no time to dissemble with God, least of all in matter of Religion; and therefore I desire it may be remembered, I have alwaies lived in the Protestant Religion, established in England, and in that I come now to dye. What Clamours and Slanders I have endured for labouring to keepe a Uniformity in the externall service of God, according to the Doctrine and Discipline of this Church, all men know, and I have abundantly felt.

Now at last I am accused of High Treason in Parliament: a Crime which my soule ever abhorred; this Treason was charged to consist of these two parts, An endeavour to subvert the Lawes of the Land, and a like Endeavour to overthrow the true Protestant Religion Established by Law. Besides my answers to the severall Charges, I protested my Innocency in both Houses. It was said Prisoners protestations at the Barre must not be taken. I can bring no witnesse of my heart and the intentions thereof, therefore I must come to my Protestation not at the Barre, but my Protestation at this hour and instant of my death; in which I hope all men will be such charitable Christians, as not to thinke I would dye and dissemble, being instantly to give God an account for the truth of it: I doe therefore here in the presence of God, and his holy Angels, take it upon my death, That I never endeavoured the subversion either of Law or Religion; and I desire you all to remember this Protest of mine for my Innocency, in these, and from all Treasons whatsoever. I have beene accused likewise as an enemy to Parliaments: No, I understand them and the benefit that comes by them too well to be so; But I did mislike the misgovernments of some Parliaments many waies, and I had good reason for it; For Corruptio optimi est pessima, there is no corruption in the world so bad, as that which is of the best thing in it selfe; for the better the things is in nature, the worse it is corrupted. And that being the highest Court, over which no other have Jurisdiction, when 'tis mis-informed or misgoverned, the Subject is left without all remedy. But I have done, I forgive all the World, all and every of those bitter Enemies which have persecuted me, and humbly desire to be forgiven of God first, and then of every man, whether I have offended him or not, if he doe but conceive that I have, Lord doe thou forgive me, and I beg forgiveness of him. And so I heartily desire you to joyne in Prayer with me.

O Eternall God and mercifull Father, looke downe upon me in mercy, in the Riches and fullnesse of all thy mercies look upon me; but not till thou hast nailed my sinnes to the Crosse of Christ,

The Arch-Bishops prayer upon the Scaffold.

not

A Second Collection of TRACTS.

not till thou hast bathed me in the bloud of Christ, not till I have hid my selfe in the wounds of Christ: that so the punishment due unto my sinnes may passe over me. And since thou art pleased to try me to the uttermost, I humbly beseech thee give me now in this great instant, full Patience, proportionable Comfort, and a heart ready to die for thy Honour, the King's happinesse, and this Churches preservation. And my zeal to these (farre from Arrogancy be it spoken,) is all the sinne (humane frailty excepted and all incidents thereto,) which is yet known to me in this particular, for which I now come to suffer; I say in this particular of Treason; but otherwise my sinnes are many and great: Lord pardon them all, and those especially (whatever they are) which have drawne downe this present judgement upon me: and when thou hast given me strength to beare it, doe with me as seems best in thine owne eyes: and carry me through death that I may looke upon it in what visage soever it shall appeare to me, Amen. And that there may be a stop of this issue of bloud, in this more then miserable Kingdom. (I shall desire that I may pray for the people too, aswell as for my selfe) O Lord, I beseech thee; give grace of Repentance to all Bloud-thirsty people; but if they will not repent, O Lord confound all their devices, Defeat and Frustrate all their Designes and Endeavors upon them, which are or shall be contrary to the glory of thy great Name, the truth and sincerity of Religion, the establishment of the King and His Posterity after Him in their just Rights and Priviledges, the Honour and Conservation of Parliaments in their just power, the Preservation of this Poore Church in her Truth, Peace, and Patrimony, and the settlement of this distracted and distressed People under their ancient Lawes, and in their native Liberties. And when thou hast done all this in meere mercy for them, O Lord fill their hearts with thankfulnessse, and with Religious dutifull obedience to thee and thy Commandements all their daies: So Amen, Lord Jesus Amen, and receive my Soule into thy Bosome Amen. Our Father which art, &c.

XII

The Speech and Prayers being ended, he gave the Paper which he read unto Doctor Sterne, desiring him to shew it to his other Chaplaines, that they might know how he departed out of this world, and so prayed God to shew his mercies and blessings on them. And noting how one *Hinde* had employed himselfe in taking a Copy of his Speech as it came from his mouth; he desired him not to doe him wrong in publishing a false or imperfect Copy. Which as *Hinde* promised him to be carefull of, calling for punishment from above if he should doe otherwise; so hath he reasonably well performed his promise: the Alterations or Additions which occurre therein, being perhaps the worke of those who perused his Papers, and were to Authorise them to the publicke view, to fit it more unto the palate of the City faction, and make it more consistent with the credit of those

those guilty men ; who had voted to his condemnation. This done, he next applied himselfe to the *fatall Blocke*, as to the Haven of his rest. But finding the way full of people, who had placed themselves upon the *Theatre* to behold the *Tragedy*, he desired *he wight have room to dye*, beseeching them to let *him have an end of his miseries, which he had endured very long*. All which hee did with so serene and calm a mind, as if he had beene rather taking order for another man's funerall, then making way unto his owne. Being come near the *Blocke*, he put off his doublet, and used some words to this effect : *God's will be done, I am willing to goe out of this world, no man can be more willing to send me out of it*. And seeing through the Chinkes of the boards, that some People were got under the *Scaffold*, about the very place where the *Blocke* was seated, he called on the Officers for some Dust to stop them, or to remove the people thence, saying it was no part of his desires, that *his Bloud should fall upon the Heads of the People*. Never did man put off mortality with a braver courage, nor looke upon his bloody and malicious enemies with more *Christian* charity. And thus farre he was gone in his way towards *Paradise* with such a Primitive Magnanimity, as equalled, if not exceeded the example of ancient Martyrs, when he was somewhat interrupted in his quiet Passage by one Sir *John Clotworthy*, a fire-band brought from *Ireland* by the Earle of *Warwick* to increase the Combustions in this Kingdome. Who finding that the *mockings and revilings* of malicious people had no power to move him, or sharpen him into any discontent or shew of passion ; would needes put in, and try what he could do with his *sponge and vinegar*, and stepping to him neare the block, asked him, (with such a purpose as the *Scribes and Pharisees* used to propose questions to our Lord and Saviour) not to learne by him but to tempt him, or to expose him to some disadvantage with the standers-by, what was the comfortablest saying which a dying man could have in his mouth. To which he meekely made this answer, *Cupio dissolvi & esse cum Christo ; i. e. I desire to bee dissolv'd and to bee with Christ*. Being asked againe what was the fittest speech a man could use, to expresse his confidence and assurance ; he answered with the same spirit of meeknesse, that such *assurance was to be found within, and that no words were able to expresse it rightly*. Which when it would not satisfie the troublesome and impertinent man (who aimed at something else than such satisfaction) unlesse hee gave some word, or place of Scripture, whereupon such assurance might bee truely founded ; hee used some words to this effect, that it was the *Word of God concerning CHRIST, and his dying for us*. And so without expecting any further questions (for hee perceived by the manner of Sir *John's* proceedings, that there would bee no end of his interruptions, if he hearkned any longer to

A Second Collection of TRACTS.

to him) he turned towards his *Executioner* (the gentler and discreeter man of the two) and gave him mony, saying, without the least distemper or change of countenance, *Here, honest Friend, God forgive thee, and doe thy office upon mee with mercy,* and having given a signe when the blow should come, he kneeled down upon his knees, and prayed as followeth.

The Lord Arch-Bishop's Prayer, as hee kneeled by the Blocke.

XIII

LORD, *I am coming as fast as I can. I know I must passe through the shadow of Death, before I can come to see thee. But it is but umbra mortis, a meere shadow of Death, a little Darknesse upon Nature; but thou by thy Merits and Passion, hast broke through the Jaws of Death. So, Lord receive my Soule, and have Mercy upon me, and blesse this Kingdom with Peace and Plenty, and with brotherly Love and Charity, that there may not bee this Effusion of Christian blood amongst them, for JESUS CHRIST's Sake, if it bee thy will.* Then laying his head upon the Blocke, and praying silently to himselfe, he said aloud, *Lord receive my Soule,* which was the signall given to the *Executioner*, who very dextrously did his office, and took it off at a blow: his soule ascending on the wings of Angels into *Abraham's Bosome*, and leaving his *Body* on the *Scaffold*, to the care of men. A spectacle so unpleasing unto most of those who had desired his death with much heat and passion, that many who came with greedy eyes to see him suffer, went backe with weeping eyes when they saw him dead; their consciences perhaps bearing witnesse to them, as you know whose did, that they *had sinned* in being guilty of such *innocent blood*. Of those, whom onely curiosity, and desire of novelty brought thither to behold that unusuall sight, many had not the patience to attend the issue, but went away as soon as the speech was ended; others returned much altered in the opinion which before they had of him, and bettered in their resolutions towards the King and the Church, whose honour and religious purposes they saw so clearly vindicated by this glorious Martyr. And for the rest (the most considerable, though perhaps the smallest part of that great assembly) as they came thither with no other intention, then to assist him with their prayers, to imbalme his body with their teares, and to lay up his dying speeches in their hearts and memories: so when they had performed those offices of Christian Duty, they comforted themselves with this, that as his Life was honourable, so his Death was glorious, the Pains whereof were short and momentary to himselfe, the benefit like to be perpetuall, unto them and others, who were resolved to live and dye in the Communion of the Church of England.

But

XIV.

But to proceed (for I have some few things to note) it was observed, that whereas other men, when they come to the *Blocke*, use to looke pale, and wan, and ghastly, and are even dead before the blow, he on the contrary seemed more fresh and cheerfull, than he had done any part of the day before: a cleare and gallant spirit being like the Sunne, which shews greatest alwayes at the setting. And as the Scripture telleth us of Saint *Stephen* the *Proto Martyr*, that whilst he spake his last Oration before the chiefe *Priests* and *Elders* of the *Jewes*, they of the *Counsell* looking sted-^{Acts 6.} fastly upon him, saw his face as it had beene the face of an *Angell*: so was it generally observed, not without astonishment, that all the while our *Martyr* prayed upon the *Blocke*, the Sunne which had not showne itselſe all the day till then, did shine directly on his face, which made him looke most comfortably (that I say not gloriously) but presently as soone as the Blow was given, withdrew behinde a cloud againe and appeared no more, as we are credibly advertised by good hands from *London*, though it be otherwise reported in their weekly Pamphlets. And if the bodies of us men be capable of any happinesse in the *grave*, he had as great a share therein, as he could desire, or any of his friends expect; his body being accompanied to the earth with great multitudes of people, whom love, or curiosity, or remorse of conscience had drawne together, purposely to performe that office, and decently interred in the Church of *All-hallowes Barking* (a Church of his owne Patronage and Jurisdiction) according to the Rites and Ceremonies of the Church of *England*. In which it may be noted, as a thing remarkable, that being whilst he lived the greatest Champion of the *Common-Prayer-Booke*, here by Law established, he had the honour being dead, to be buried in the forme therein prescribed, after it had beene long disused, and reprobated in most Churches of *London*. Nor need posterity take care to provide his *Monument*. He built one for himselfe whilst he was alive: it being well observed by Sir *Edw. Dering* (one of his most malicious enemies, and hee who threw the first stone at him, in the beginning of this *Parliament*) that Saint Pauls Church will be his prepetual Monument, and his owne Booke (against the *Jesuite*) his lasting Epitaph.

In his Book of Speeches.

XV.

Thus dyed this most Reverend, Renowned, and Religious Prelate: when he had lived 71 yeares, 13 weekes, 4 dayes; if at the least he may be properly said to dye, the great example of whose vertue shall continue alwaies, not only in the mindes of men, but in the Annals of succeeding Ages, with Renowne and Fame. But how he lived, what excellent parts he was composed of, and how industriously he imployed those parts, for the advancement of Gods honour, his Soveraignes Power and Safety, and the Churches Peace, will be a worke becoming a more able

pen; unto whose care and diligence I commend the same. And so I leave him to that comfort which the *Psalmist* gives him, and 'tis the greatest comfort that can befall those men, who have beene tortured on the *Racke* of malicious tongues: viz. *The righteous shall be had in everlasting remembrance, and shall not be afraid of any evill report.* Pf. 112. v. 6. 7.

Horat. Carm. l. 4. Ode 8.

Dignum Laude virum Musa vetat mori.

And yet not leave thee thus, I faine would try
 A line or two in way of *Elegie*;
 And while so sad a losse, if to expresse
 The greatnesse of it would not make it lesse:
 If to lament thee might not vex thee more,
 Then all the scornes thou hast endur'd before;
 And make thee thinke we envied thee thy start,
 Or doubted that thou wer't not what thou art.
 Yet, with thy leave, I needs must droppe a verse
 Write it with Teares, and fit it for thy herse;
 And at this distance from thy grave, which lacks
 The pompes of sorrow, hang my heart with blacks.
 Religious Prelate, what a calme hast thou
 P'th midst of all those turbulent stormes, which now
 Shipwrack this Island? At how cheape a rate
 Hast thou procur'd this change of thy Estate?
 The *Mitre* for a *Crowne*, a few poore dayes
 For endlesse blisse, vile earth for heavenly joyes!
 Such glories hast thou found, such alteration,
 In this thy highest, as thy last *Translation*.
 How were thine Enemies deceiv'd, when they
 Advanc'd thee thus, and chalk'd thee out the way;
 A way so welcome to thee! No *Divine*
 But knowes the *Red Sea* leads to *Palestine*;
 And that since *JESUS* sanctified the *Crosse*,
 Death's the best purchase, life the greatest losse.

Nor be thou griev'd, bless't Soule, that men do still
 Pursue thee with blacke slaunders, and doe kill
 Thy shadow now, and trample on thy Ghost,
 (As *Hectors* Carcasse by the *Grecian* host;)
 Or that thou want'st *inscriptions*, and a stone
 To ingrave thy name, and write thy Titles on.

Thou

Thou art above those trifles, and shalt stand
 As much above mens malice. Though the hand
 Of base detraction practice to defame
 Thy spotlesse vertues, yet impartiall fame
 Shall doe thee all just honours, and set forth
 To all succeeding times thy matchlesse worth.
 No Annals shall be writ but what relate
 Thy happy influence both on Church and State;
 Thy zeale to publicke order, thy great parts
 For all affaires of weight, thy love to Arts:
 And to our shame and his great glory, tell
 For whose deare sake, by whose vile hands he fell
 (A death so full of merits, of such price,
 To God and man so sweet a sacrifice;
 As by good Church-law may his name preferre
 To a fixt *Rubrick* in the Calender.
 And let this silence the pure Sect's complaint,
 If they make *Martyrs*, we may make a Saint.)
 Or should men envy thee this right, thy praise
 An *Obelisque* unto it selfe can raise.
 Thy brave attempt on *Pauls* in times to come
 Shall be a Monument beyond a Tombe.
 Thy *Booke* shall be thy *Statue*, where we finde
 The image of thy nobler part, thy minde.
 Thy name shall be thine *Epitaph*; and he
 Which hears or reads of that, shall publish thee
 Above the reach of *Titles*, and shall say
 None could expresse thy worthes a braver way,
 And thus though murder'd, thou shalt never dye,
 But live renown'd to all Posterity.
 Rest thou then happy in sweets of blisse,
 Th' *Elyzian* fields, the Christians *Paradise*;
 Exempt from worldly cares, secure from feares,
 And let us have thy Prayers, as thou our Teares.

Ad Regem CAROLUM.

*Multis ille bonis flebilis occidit,
 Nulli flebilior, quam tibi, CAROLE.*

Horat. Carm. l. i. Ode 24.

An IMPEACHMENT of High Treason exhibited in Parliament, against JAMES, Lord STRANGE, Son and Heire apparant of WILLIAM, Earle of DERBY, by the Commons assembled in Parliament, in the name of themselves, and all the Commons of *England*. With an Order of the Lords and Commons in Parliament, for the apprehending of the said Lord, to be published in all Churches, and Chappels, Markets and Townes, in the County of *Lancaster* and *Chester*.

16 September, 1642.

Ordered by the Lords in Parliament Assembled, that this Impeachment, with the Order, shall be forthwith Printed and published.

John Browne, Cler. Parliament.

THat the said *James* Lord *Strange*, to the intent and purpose to subvert the Fundamentall Lawes and Government of this Kingdome of *England*, and the Rights and Liberties, and the very being of Parliaments, and to set sedition betwixt the King and his people; did upon the 15 day of *July*, in this present yeare of our Lord God, 1642, at *Manchester*, in the County of *Lancaster*, and at severall other times and places, actually, maliciously, rebelliously, trayterously summoned, and called together, great numbers of his Majesties Subjects, and in sight, perswade and encourage them to take up armes and leavie war against the King, Parliament, and Kingdome.

That the said *James* Lord *Strange*, in further prosecution of his foresaid wicked, trayterous, and malicious purposes, did upon the said 15 day of *July*, at *Manchester* aforesaid, and at severall other times and places, actually, maliciously, rebelliously, and trayterously, raise great forces of men and horse, and leavie war against the King, Parliament, and Kingdome, and in further prosecution of the aforesaid wicked, trayterous, and malicious purposes, the said *James* Lord *Strange*, and divers other persons, whom he had drawn into his party and faction, did also upon the said 15th day of *July*, at *Manchester* aforesaid, maliciously, and trayterously, with force and armes, and in a hostile and warlike manner, kill, murder, and destroy, *Richard Parciwall*, of *Kirkmanshalme*, in the said County of *Lancaster*, *Lynen Webster*, and did then and there, and at severall other times and places, in like hostile manner as aforesaid, shoot, stab, hurt and wound diverse other of his Majesties good Subjects, contrary to the Lawes and peace of this Kingdom of *England*, and contrary to his Majesties Royall Crowne and Dignity; and the said *James* Lord *Strange*, hath set sedition betwixt the King and his people, and now is in open and actuall rebellion against the King, Parliament, and Kingdome. For which matters and things, the Knights, Citizens, and Burgeesses, of the
House

House of Commons in Parliament Assembled, doe in the Name of themselves, and of all the Commons of *England*, Impeach the said *James Lord Strange*, of High Treason, and the said Commons by protestation saving to themselves the liberty of exhibiting at any time hereafter, any other Accusation or Impeachment against the said Lord *Strange*, and also of replying to the Answers of the said *James Lord Strange* shall make to the Premises, or any of them, or any Impeachment or Accusation that shall be exhibited by them, as the Cause, according to course and proceedings of Parliament, shall require; do pray that the said *James Lord Strange*, may be put to answer all and every the Premises, that such Proceedings, Examinations, Tryalls, and Judgements, may be upon them, and every one of them, had, and used, as shall bee agreeable to Law and Justice.

Veneris 16 Septembris 1642.

WHereas the Lord *Strange*, having continued a long time, and still remaining in actuall Rebellion against his Majesty, and Parliament, is for the same Impeached of High Treason by the House of Commons, in the name of themselves, and all the Commons of *England*. It is therefore Ordered by the Lords and Commons Assembled in Parliament, that publication thereof bee made in all Churches and Chappels, by the Curats and Church-Wardens thereof, and in all Markets and Townes, by the Constables and Officers of the Townes within the Counties of *Lancaster* and *Chester*, to the end that all his Majesties loving Subjects may have notice thereof, lest they being deceived by the specious Pretences made by the Lord *Strange*, should assist him with men, money, munition, or any other Provision, and so make themselves guilty of the like Treason and Rebellion, and all Sheriffs, and other his Majesties subiects are hereby required to doe their best endeavour for the apprehension of the said Lord, and the bringing him up to the Parliament, there to receive condigne Punishment according to his demerits.



A D E-

A DECLARATION of the severall Votes and Resolutions Agreed upon by both Houses of PARLIAMENT. Being in all 32. For the safety of his Majesties person, the defence of the Kingdome, and the security of both Houses of Parliament, and the Priviledges thereof. Whereunto is Annexed the Votes, at which his Majesty takes exceptions.

Ordered that these Votes and Resolutions be Printed and Publish'd.

Io. Brown Cleric. Parli.

Questions, Resolutions, and Votes by both Houses of *Parliament*, touching the *Militia*.

1. **T**Hat His Maiesties Answer is deniall to the desires of both Houses of Parliament, concerning the *Militia*.
2. That those that advised His Majestie to give this Answer are Enemies to the State, and mischievous projectors against the defence of the Kingdome.
3. That this deniall is of that dangerous consequence, that if his Maiestie should persist in it, it will hazard the Peace and safety of all his Kingdomes, unlesse some speedy remedy be applyed by the wisdom and Authority of both Houses of Parliament.
4. That such Parts of this Kingdome as have put themselves into a Posture of Defence against the common danger, have done nothing but what is justifiable and is approved by the House.
5. That his Majesty removing into any remote parts from his Parliament, will be a great hazard to the Kingdome; and a great prejudice to the proceedings of Parliament.
6. That these Houses hold it necessary, that His Majesty may be desired, that the Prince may come unto Saint *Iameses*, or to some other convenient place neere about *London*, and there to continue.
7. That the Lords bee desired to ioyne with this House in an humble request unto His Majestie, that he will be pleased to reside neare His Parliament, that both Houses may have a convenient Accessse unto him upon all occasions.
8. That the Lords bee moved to ioyne with this House in some fit course of examination, to find who were the persons that gave His Majesty this advice, that they be removed from His Majesty, and brought to condigne punishment.
9. That no Charter can be granted by the King, to create a power in any corporation over the *Militia* of that place, without consent of Parliament.

10. That

10. That the Lords be moved to ioyne with this House in these votes.

11. That the Lords shall be desired to appoint a select Committee, that may joyn with a Committee of a proportionable number of this House, to consider and prepare what is fit to be done upon these votes, or upon any thing else that may arise upon this Answer of His Majesty concerning the *Militia*, and concerning the Prince.

12. That the Kingdome be forthwith put into a Posture of Defence, by Authority of both Houses, in such a way as is already agreed upon by both Houses of Parliament.

13. That the Lords be desired to joyn with the House of Commons in this vote.

14. That a Committee shall be appointed to prepare a Declaration upon these two Heads, *viz.*

1. To lay downe the just causes of the feares and jealousies given to these Houses: and to cleare these Houses from any jealousies conceived against them.

2. And to consider of all matters that may arise upon this Message of His Majesty, and to declare their Opinions what is fit to be done thereupon.

15. That Sir *John Hotbam*, Knight, according to this relation, hath done nothing but in obedience to the Command of both Houses of Parliament.

16. That this declaring of Sir *John Hotbam* Traytour, being a Member of the House of Commons, is a high breach of the priviledge of Parliament.

17. That this declaring of Sir *John Hotbam*, Traitour, without due Pro-
cessse of Law is against the liberty of the Subject, and against the Law of the Land.

Ordered by the Lords and Commons in Parliament, that these Votes shall be printed, and sent to the Sheriffes and the Justices of the Peace, to be published in all Market-Townes of the Counties of Yorke and Lincolne.

Votes in Parliament concerning Serjeant Major Generall Skippon.

18. That the Command of His Majesty to call Captain *Philip Skippon*, Serjeant Major Generall of the forces of *London*, to attend his Majesties Person at *Yorke*, is against the Law of the Land, and the liberty of the Subject.

19. That this Command of His Majesty to call Captain *Philip Skippon*, Serjeant Major Generall of the Forces of *London*, to attend His Majesties Person, being imployed by both Houses, to attend their service, without their consent is against the Priviledge of Parliament.

20. That Captaine *Philip Skippon*, Serjeant Major Generall of the Forces of *London*, shall continue to attend the service of both Houses, according to their former Commands.

Hen. Elsing. Cleric. Parl. D. C.

Votes touching the Members of both Houses.

21. That this House doth declare, that if any Person whatsoever shall arrest, or imprison the Persons of the Lords and Gentlemen, or any of them:

Or

Or any other of the Members of either House of Parliament, that shall be employed in the service of both Houses of Parliament; or shall offer violence to them, or any of them, for doing any thing in pursuance of the Commands or Instructions of both Houses, shall be held disturbers of the proceedings of Parliament, and publicke Enemies of the State: And that all persons are bound by their Protestation to endeavour to bring them to condigne punishment.

22. That this House doth declare, that all those of the City of *London*, and all other persons, that have obeyed the Ordinance for *Militia*, and done any thing in execution thereof, have done according to the Law of the Land, and in pursuance of what they were commanded by both Houses of Parliament, and for the defence and safety of the King and Kingdome, and shall have the Assistance of both Houses of Parliament, against any that shall presume to question them for yeelding their obedience unto the said Commands in this necessary and important Service, and that whosoever shall obey the said Ordinance for the time to come, shall receive the approbation and assistance from both Houses of Parliament.

23. That this House doth declare, that they are resolved to maintaine those Lords and Gentlemen in those things they have done, and shall further doe in the obedience of their commands, for the preserving of the Peace of the Kingdome.

Votes touching His Majesties taking up Armes.

24. That it appears that the King (seduced by wicked Councell) intends to make war against the Parliament, who (in all their Consultations and Actions) have proposed no other end unto themselves, but the care of his Kingdome, and the performance of all duty and loyalty to His Person.

25. That whensoever the King maketh Warre upon the *Parliament*, it is a breach of the trust reposed in him by his people, contrary to his *Oath*, and tending to the dissolution of this Government.

26. That whosoever shall serve or assist him in such warres, are Traytors, by the fundamentall lawes of the Kingdome, and have been so adjudged by two Acts of Parliament.

27. That the Kings absence so farr remote from his Parliament, is not only an obstruction, but may be a destruction to the affaires of *Ireland*.

28. That when the Lords and Commons shall declare what the Law of the Land is, to have this not only questioned and contraverted, but contradicted; and a Command that it should not be obeyed, is a high breach of the Privilege of Parliaments.

29. That those Persons that advised his Majesty to absent himselfe from the Parliament, are Enemies to the Peace of the Kingdome; and justly to be suspected to be favourers of the Rebellion in *Ireland*.

30. That the Kingdome hath beene of late, and still is in an evident and eminent danger, both from Enemies abroad, and a Popish and discontented Party at home: That there is an urgent and inevitable necessity of putting his Majesties Subjects into a Posture of Defence, for the Safeguard both of his Majesty and his People,

31. That

31. That the Lords and Commons fully apprehending this danger, and being sensible of their owne duty, to provide a fuitable prevention; have in severall Petitions addrested themselves to his Majesty, for the ordering and disposing of the *Militia* of the Kingdom, in such a way as was agreed upon by the Wisdome of both Houses to be most effectuell and proper for the present exigents of the Kingdome, yet could not obtaine it; but his Majesty did severall times refuse to give Royall assent thereunto.

32. That in this case of extreme, danger, and His Majesties refusall of the *Ordinance* of Parliament: Agreed upon by both Houses for the *Militia*, doth oblige the People, and ought to be obeyed by the Fundamentall-Lawes of this Kingdome.

Die Lunæ, 21 Martii, 1641.

I *T is this day Ordered, by the Commons House of Parliament, That Doctör Jones shall have power to Print the Remonstrance of the state of the Rebellion in Ireland, presented by him to this House. And no man shall presume to Reprint the same, without the Permission and Approbation of this House first obtained: and Doctör Jones is desired to oversee the Printing of the said Remonstrance. And the Master and Wardens of the Company of Stationers, are Required to take Care, that the same may not be reprinted, but by the Permission and Approbation of this House first had and obtained as aforesaid.*

Henry Elsing, Cl. Parl. Do.Com.

A REMONSTRANCE of divers Remarkeable Passages concerning the Church and Kingdome of *IRELAND*, Recommended by Letters from the Right Honourable the Lords Justices, and Counsell of *Ireland*, And Presented by HENRY JONES Doctör in Divinity, and Agent for the Ministers of the Gospel in that Kingdom, To the Honourable House of Commons in *ENGLAND*.

To our very assured loving Friend, Master *Lenthall*, Esquire, Speaker of the Honourable the Commons House of Parliament in the Kingdome of *England*.

S I R,

T Here hath been presented unto us, a Remonstrance of the deplorable estate of this Church of *Ireland*, and the lamentable Condition of the Clergy therein, occasioned by the present Rebellion; The Remonstrants desiring

firing our Letters in the Representing of the same to the honourable House of Commons in *England*; unto whose grave and wise consideration they do apply themselves.

We shall not need to say much in a matter, so much speaking it self, and the experience we have of the true sence they have of this distracted State, gives us great assurance, that they will take to heart this our miserable Church and Gods servants therein, reduced unto unexpressable extremities, both Church and State being now involved in one common calamity.

The bearer hereof, *Henry Jones*, Doctor in Divinity, is intrusted by the Clergy to negotiate in their behalf, and we have intreated him to solícite the cause of the poor robbed *English*, expressed in our Letters to you of the fourth of this moneth.

We therefore do crave leave to recommend him in this imployment to that Honourable House, he being a Person who is able to say much in this businesse, having been some while a Prisoner in the hands of the Rebels, and observed much of their proceedings, and being intrusted with others, as a Commissioner to take the examinations out of which the Remonstrance now to be by him offered to that Honourable House, is extracted.

As for himself, he hath suffered much in his private fortunes by these troubles, and in respect of his Abilities and Learning, and Painfulness in his Ministry, he deserveth favour and encouragment; Besides we have found him very diligent, and forward in attending all occasions, for promoting the publike services here by timely and important intelligence given to us of Occurrences during his imprisonment with the Rebels; and since especially in his information made to us of the approaches of the enemy to *Drogheda*, when we could not conceive they would rise to that boldness, by which information (amongst others) we had the opportunity of sending thither the present Garrison, without whom it might have been in danger of surprizing; And so we remain from his Majesties Castle of *Dublin* the seventh day of *March*, 1641.

Your very assured

loving Friends

W. Parsons,
Jo. Borlase,
R. Dillon,
Ad. Loftus,
J. Temple,

Cha. Coote,
Tho. Ratherham,
Fran. Willoughby,
Rob. Meredith.

To

To the Honourable Assembly of the Knights, Citizens, and Burgresses in the Commons House of Parliament, in the Kingdom of *ENGLAND*.

The undernamed in the behalf of themselves and their brethren, the poore dispoiled and distressed Ministers of the Gospel in Ireland, with the Widdowes and Orphans of such,

Humbly represent their lamentable Condition,

Shewing,

That by the instigation of Popish Priests, Friars, and Jesuites, with other fire brands and Incendiaries of the State; partly such of them as have been resident here in this Kingdom of Ireland before, partly flocking in from Forraign Parts, of late in multitudes, more than ordinary; and chiefly by such of them as resorted hither out of the Kingdome of England: And out of that ancient and known hatred the Church of Rome beareth to the reformed Religion; As also by reason of the surfet of that freedom and indulgence, which through Gods forbearance for our tryall, they of the Popish faction have hitherto enjoyed in this Kingdom: There hath been beyond all parallell of former ages, a most bloody and Antichristian combination and plot, hatched, by well-nigh the whole Romish sect, by way of combination from parts forraign, with those at home, against this our Church and State; thereby intending the utter extirpation of the reformed Religion, and the professors of it: In the room thereof, setting up that idoll of the Masse, with all the abominations of that whore of Babylon: This also ayming at the pulling down and defacing the present state and government of this Kingdom under his Sacred Majesty, theirs, and our undoubted Sovereign; and introducing another form of rule ordered and moderated by themselves, without dependance on his Highnesse, or the Kingdom of England, whence have proceeded such depredations of the goods, and such cruelties exercised on the persons and lives of the loyall Subject; such wasting and defacing of all Monuments of civility, with such prophanation of holy places, and Religion, that by the most barbarous and heathenish Nations, the like could not in any age be found to be perpetrated.

All which doth daily appeare unto us your Suppliants appointed to enquire upon oath of the permisses, and other particulars depending thereupon, by vertue of a Commission to us directed under the great Seal of this Kingdom of Ireland, bearing Date the three and twentieth day of December, in the seventeenth year of his Majesties Reign; and by one other Commission further enlarged concerning the premisses, Dated the eighteenth of January, in the year aforesaid. Copies whereof, together with the Copies of such and so much of the Depositions as answer to the particulars of this our Remonstrance we have hereunto annexed; that both the validity of our proceedings, and the truth of this our sayd Remonstrance may the better appear.

Upon view of all which, it doth very evidently appear, that in the present most dangerous designe against this Kingdom, the Popish faction therein hath been confederate with forraign States, If we may rely upon the report made thereof by the conspirators themselves, and their adherents here, whereof the following examinations are full.

IT being confessed that they had their Commission for what they did from beyond the Seas. *a* That from *Spain* they did expect an Army before *Easter* next, consisting, if of none others, yet of the *Irish* Regiments, and Commanders serving in *Flanders*, and else where, under that King; together with a great quantity of Powder, Ammunition, and Arms, for a great number of men to be raised in *Ireland*. This Kingdome (as they make up their estimate) being able to make up the body of an Army of two hundred thousand, or more. *b* From *France* also they looke for ayd. *c* Being in all this further encouraged by Bulls from *Rome*; some of these Rebels requiring to the Popes use, and in his name, the yeelding up of such places of strength as they had beleaguered. *d* In all which respects, and in allusion to that League in *France*, they terming themselves the Catholike Army, *e* and the ground of their war the Catholike cause. And to this purpose hath this present year, 1641. been among them proclaimed a year of *Jubilee*, and Pardons beforehand granted, of all sins of what sort soever that shall be therein committed, tending to this great work. *f* Excommunications also thundred against any that shall refuse to joyn therein *g*.

It doth secondly appear, that they had their correspondents in *England*, for raising the like Rebellion there; this not being a report made to us from one part, but confirmed from all places of this Kingdome, whence the passage hath not beene stopped by the present obstructions *h*.

That thirdly, they reported themselves to have had the like partie in *Scotland*; that the *Scots* joyned with them *i* and were their friends. *k* That the like troubles were to be raised in *Scotland*. *l* That the *Scots* were joyned with them in Covenant, not to leave a drop of *English* blood in *England*, as they the *Irish* Rebels would do the like in *Ireland*. For which they pretended a
Writing

a John Day, Com. Cavan, exam. Feb. 8. 1641. ex. 1. *b* Lucy Spell, Com. Lowth, ex. Feb. 5. 1641. ex. 2. John Biggar, Com. Dublin, exam. Janu. 29. 1641. ex. 3. John Mountgomry, Com. Monaghan, exam. Janu. 26. 1641. ex. 4. Patr. Bryan, Com. Fer. Janu. 29. ex. 5. Doctor Jones, ex. 6. George Cottingham, ex. 78. *c* John Biggar, and John Mountgomry, Præd. *d* Edmond Welch, Com. Rs. January 22. exam. 7. *e* Lucy Spell, præd. Feb. 5. *f* Jo. Edgworth, Esq; Com. Longford, Feb. 23. exam. 8. *g* Edm. Walsh. *h* Jo. Brooks, Com. Cavan. Jan. 5. ex. 9. Grace Lovet, Com. Ferm. Jan. 5. ex. 10. Eliza. Coats, Com. Fer. Jan. 4. ex. 11. Nicholas Willoughby, Com. præd. Feb. 23. ex. 12. Thomas Grant, Com. Cavan, Feb. ex. 13. Jo. Biggar, Com. Dublin, Jan. 29. Eliza. Parker, Com. Catherlagh. Jan. 13. ex. 14. Ocker Butts, Com. Wex. Ia. 25. Lucy Spell, ex. 15. *i* Edw. Denman, Com. Ca. Ian. 27. ex. 16. *k* Thomas Cran, Com Cavan, Feb. *l* Thomas Grant, Patr. Bryan, Com. Fer. Ian. 29. G. Cottingham, ex. 78.

Writing signed with the hands of the prime Nobility of *Scotland*. *m* And that the Tower of *London*, the Castle of *Edenborough*, and the Castle of *Dublin*, were to be surpris'd all upon one day *n*.

As for that part of that curst Faction within this Kingdom of *Ireland*, the Actors therein acknowledge it to be a plot of many years, some say two, *o* some eight, *p* some 14 or 17 years. *q* A plot wherein all the Popish Nobilitie and men of quality were interess'd; *r* and by Sir *Phelim ô Neale*, that Arch-Rebell, it is profess'd, that what he did, was by the consent of the Parliament of *Ireland*, *s* thereby intending the Popish members thereof.

Notwithstanding all which, that this appeareth to have been a long laid conspiracie; yet these Traytors for giving some colour to their Rebellion, pretend as if the occasion moving them thereunto were new, unexpected, and pressing, so that with the safety of their lives, and duty which they owed God and their Country; they could not do lesse then they have done: falsly pretending that there was a plot layd in this Kingdome, grounded on a pretended Act pass'd in the Parliament of *England*, for the cutting off of all the Nobilitie and others the Papiſts in *Ireland*, *t* and all this to be done in one day; *u* and that to be on the 23 or 24th of *November* now last past; for preventing whereof, they laid (say they) this their counterplot a full moneth before, *viz.* on the 23d of *October* *w*.

For effecting which their wicked and devillish design, the said Conspirators and Traitors have entred into a most accursed Covenant, and bound themselves by an oath of confederation, the same being subscribed by the hands of the chiefeſt Rebels, and certaine men being appointed to administer the same to all such as shall either offer themselves, or be pressed to serve as Souldiers in that cause; others also being sent abroad, and in chief, the Popish Primate *Reily*, *x* who hath compassed far and neer, to draw into this conspiracy such as had not before been therewithall acquainted. As also to satisſie any scruples, if any were that did or might retard any from entring thereinto; the Popish Clergie being observed for the most forward advisers and putters on of the people in this way. For whereas many of the Rebels seem'd to give eare to a Proclamation of grace, Dated the first of *November* 1641. they were forbidden by their Priests, assuring them it would be their undoing. *y* Hence it is that these Rebels are so hardned in their course of wickednesse, that they professe against accepting of any quarter, and that they will not accept of any but a general Pardon. *z* Others again disclaiming any Pardon, casting
out

m Geo. Fercher, Com. Fer. Ian. 4. ex. 17. *Eliza. Dickinson*, Com. præd. Ian. 3. ex. 18. *n* Io. Shorter, Com. Fer. Ian. 5. ex. 19. *o* Thomas Knowles, Com. Fer. Ian. 3. ex. 20. *p* Patr. Bryan. *q* Mr. Iohn Cardiff, ex. 21. *r* Geo. Cottingham, Edw. How, Com. Fer. Jan. 29. ex. 22. *Tho. Knowls*, Geo. Cook, Com. Cavan, Jan. 22. ex. 23. *Jo. Gessop*, Com. Kilk. Jan. 8. ex. 24. *s* John Gregg, Com. Arm. Jan. 7. ex. 25. *t* Hen. Reynolds, Com. Cavan, Jan. 4. ex. 26. *John Mountgomery*, Dr. Jones, *Tho. Crant*, Charles Crafford, Com. Meath, Jan. 22. ex. 27. *u* Grace Lovet: *w* Dr. Iones. *Io. Wood*, Com. Wick. Feb. 17. ex. 28. *x* Henry Stile, Com. Monagh. Jan. 10. ex. 29. *y* Kath. Crant. Com. Meath, Jan. 5. ex. 30. *z* Edm. Walsh.

out words to the dishonour of his Sacred Majesty, as if his Royall word and Seale were not to be relyed upon *a*.

And yet for making the more plausible introduction into their said wicked Rebellion; the Conspirators aforesaid, have traiterously, and impudently averred and proclaimed, that their authoritie therein is derived by Commission from his Highnesse. Sometimes at distance, making offer to shew a large Patent or Commission with a broad Seale, giving out that in that their power did appear. *b* Others taking upon them to read (some forged writing) to that purpose. *c* All which they stick not publikely in Market-places to proclaim; *d* falsly also reporting, that his Highnesse was among them in the North of *Ireland*, riding up and down disguised, and with glasse-eyes, desiring not to be discovered. Others againe pretending their Commission to be from the Queens Highnesse, and professing themselves her Souldiers, and that what they did, was under the hands of the best of the Nobility of *England*; which yet in favour of the *English*, they did not (say they) execute to the full *e*.

All which they falsly reported, to the end, that thereby they might distract the mindes, and discourage the hearts of the true Subject, and that therein they might gain more upon such as they desire to draw into their party; or if any should for a time stand aloofe as Newters, to win a better opinion with them than to be accounted Traytors, or their enterprize a Rebellion.

Whereas it is apparent, that Allegiance or Obedience to his Majesty, is not the thing they ayme at, the contrary being plainly confessed and professed by themselves; now that they are entred as far as they can into their diabolicall practise; and that their confederates are for the most part declared and drawn unto an head.

For some of them, to the making way for their trayterous Intentions, have given out, That the King was dead, and that the young King was gone to Masse: *f* That they would have the Prince in *Ireland*, whom they would make their Vice-Roy, tutoring him in the Romish Religion; and that the King should live in *Scotland* *g*: sometimes, That the Duke of *York* should live with them.

But others more fully unvizard themselves, professing, That they would have a King of their own, and him Crowned within a fortnight *h*. That they had him already *i*: And that it was from their new King that they had their Commission so much spoken of *k*: Declaring also their new King according to their severall fancies; some being for the Earl of *Tyron* *l*; others for Sir *Pbelim*

a Patr. Bryan, Hugh Madden, Com. Wickloe, Feb. 23. ex. 31. *b* Io. Wright, Com. Fer. Jan. 12. ex. 32. *c* George French, Com. Kildare, Feb. 1. ex. 33. *d* Iane Mansfield, Com. Meath. Jan. 3. ex. 34. Henry Palmer, Com. Wexford, Jan. 12. ex. 35. *e* Ocker Butts. *f* Io. Perkins, Com. Cav. Jan. 8. ex. 36. *g* Lucy Spell, Rog. Holland, ex. 77. *h* Tho. Middleborough, Com. Fer. Jan. 4. ex. 37. Alice Tibbs, Co. præd. Jan. 4. ex. 38. Avis Bradshaw, Co. præd. Jan. 4. ex. 39. *i* Richard Knowles, Co. præd. Jan. 10. ex. 40. *k* Robert Barton, Co. præd. Jan. 5. ex. 41. *l* Hu. Culm. Co. Mon. Jan. 22. ex. 42. Marth. Culm, Co. præd. Feb. 14. ex. 43.

Phelim *o Neat m*: If perhaps these two be not intended for one and the same, thus we finde the said Sir *Phelim* honoured with the style of, His Majesty *n*: Others yet being rather for the Lord *Maguire o*; there being some that said they had a consecrated Crown for the best deserver *.

But of His sacred Majesty, how contemptuously do they speak? Let your King (say they) fetch you out again *p*: These being their words to some of His Majesties Subjects, oppressed by them; We care not for the King of *England*, say others *q*; a third, That neither King nor Queen shall govern *Ireland* any longer, for they would govern it themselves *r*; and that their Religion should flourish in despite of King or State *s*.

In all which, having broken thorow the due bounds of their Allegiance, their vain and ambitious thoughts rove without knowing any limits. It will not now content them to settle anew, and mold again this Kingdom to their own Modell, by calling of Parliaments, making Laws, and appointing their own Governours *t*. Thus discourse they of the modestest sort: but they will, with the assistance of *Spain* and *France*, set footing in *England*, and after that in *Scotland u*; where all things being settled to their Desires, the whole Forces of *Ireland*, in way of retribution, and acknowledgement of gratitude, are intended for the King of *Spain*, against the *Hollanders w*.

Unto which their disloyalty to theirs and our most gracious Sovereign, they have added expressions of unheard-of hatred to His *Brittish* Subjects of this Kingdom; banishment or slavery are the greatest favours that would be afforded them; but their generall profession is for a generall extirpation, even to the last and least drop of *English* blood *x*: Which, that it may be drayned to the full, such of the *English* as cannot prescribe a settlement in this Kingdom for two hundred yeers, are to be cut off, and that notwithstanding they be of the *Romish* Sect: It being to that end provided, That such as do revolt to their part, should, for the present, be accepted of; yet so disposed, as being drawn into the List of their Army, they should be set upon the most dangerous Enterprises, so either to be made away, or to serve their own turns of them: And what the Sword cannot, for the present, effect, an Inquisition, like that in *Spain*, for finding out the *Jewish* and *Moorish* blood, shall in time thorowly accomplish *y*. As for the future, their Covenant is, That no *English* should ever set footing again in *Ireland z*; even the very Language must be forgotten, none being to speak *English*, under a penalty *a*. But that which exceeds all, Not an *English* Beast, or any of that breed must be left in the Kingdom *b*.

And

m Eliz. Gough, Co. Cav. Feb. 8. ex. 44. *n* Jo. Greg. *o* Anne Gill, Co. Fer. Jan. 29. ex. 45. * George Cottingham, ex. 78. *p* Eliz. Vause, Co. Leitrim, Feb. 9. ex. 46. *q* Nicholas Michael, Co. Cav. Jan. 15. ex. 47. *r* Andr. Foster, Co. Wickloe, Feb. 17. ex. 48. *s* Rich. Witton, Co. Wickloe, Jan. 11. ex. 49. *t* Jo. Biggar, Tho. Grant, Edw. Taylor, Co. Wexford, Feb. 23. ex. 50. *u* Jo. Mountgomery, Nath. Higginson, Com. Ferm. Jan. 7. ex. 51. George Cottingham, ex. 78. *w* Dr Jones. *x* Anne Marshall, Co. Ferm. Jan. 3. ex. 52. Jathuell Maw, Co. Fer. 53. Jane Mansfeild. *y* Jo. Biggar. *z* Hugh Madden. *a* John Mountgomery, Hu. Culme, Marib. Culme. *b* Rich. Cleybrock, Co. Wex. his exam. taken at the Council Table, ex 54.

And as we finde the hearts of these men in their tongues, so in their actions, doing what they professe; and being in both beyond all measure profane and heathenish in their impious words and behaviour towards God, and the holy Scriptures, Religion, and the places of Gods publike Worship.

Blaspheming our God, bidding his servants, whom they had first stripped naked, to go to their God; and let him give them clothes *c*.

Breaking into Churches, burning Pulpits, Pews, and all belonging thereunto, with extreme violence, and expression of hatred to our Religion, and triumphing also in their impiety *d*.

Professing, That not one Protestant should be left in the Kingdom *e*: Dragging some Professors thorow the streets by the hair of the head, into the Church; where stripping, whipping, and cruelly using them, they added these taunting words; If you come to morrow, you shall hear the like Sermon *f*.

How have our sacred Books of holy Scriptures been used? Gods Book hath been, O horrible! cast into, and tumbled in the Kennell; thence taken up, and dashed in the faces of some Professors, with these words, I know you love a good lesson, this is an excellent one; come to morrow, you shall have as good *g*.

They have torn it in pieces, *h* kicked it up and down *i*, treading it under foot, with leaping thereon, they causing a Bagpipe to play the while *k*; laying also the leaves in the kennell, leaping and trampling thereupon, saying, A plague on it, This Book hath bred all the quarrell, hoping within three weeks all the Bibles in *Ireland* should be so used, or worse, and that none should be left in the Kingdom *l*: and while two Bibles were in burning, saying that it was hell-fire that was burning *m*; wishing they had all the Bibles of Christendome, that they might use them so.

But what Pen can set forth, what Tongue expresse, whose Eye can reade, Ear hear, or heart, without melting, consider the cruelties, more than barbarous, dayly exercised upon us by those inhumane, blood-sucking Tygers!

Stripping quite naked Men, Women, and children, even children sucking upon the Breast *n*, whereby multitudes of all sorts in the extremitie of that cold season of Frost and Snow have perished. Women being dragged up and down naked, *o* Women in child-bed thence drawn out, and cast into prison. *p* One delivered of a childe while she was hanging. *q* One ripped up, and two children taken away, and all cast unto, and eaten by swine.
r One

c Marg. Farmen, Co. Fer. Ja. 3. ex. 55. *Marg. Leadly*, Co. Fer. Ja. 3. *d* Hen. Fisher, Co. Wickloe, Ja. 25. ex. 56. *e* Jo. Greg, with infinite others. *f* Adam Glover, Com. Cav. Ja. 4. ex. 57. *g* Adam Glover. *h* Eliz. Taylor, Com. Fer. Ja. 8. ex. 58. *i* Jo. Mountgomery. *k* Hen. Palmer, Com. Wexford, Jan. 12. *l* Edw. Slack, Com. Fer. Ja. 4. ex. 59. *m* Edward Dean, Com. Wickloe, Ja. 7. ex. 60. *Roger Holland*, ex. 77. *n* Jo. Greg. *o* Katherine Bellew, Com. Mona. Feb. 5. ex. 61. *p* Jo. Wisedome, Com. Arm. Feb. 8. ex. 62. *Roger Holland*, ex. 77. *q* Jo. Wisedome, Philip Taylor, Com. Arm. Feb. 8. ex. 63.

r One other stabbed in the breast her childe sucking. *s* An Infant cruelly murdered, whom they found sucking his dead mother slain by them the day before. *t* A childe of 14 years of age taken from his mother, in her fight cast into a Bog-pit, and held under-water while he was drown'd. *u* The forcing 40 or 50 Protestants to renounce their profession, and then cutting all their throats. *

What should we speak of their murthers, *w* their hanging, half-hanging, and that oft times reiterated; they delighting in the tortures of the miserable. *x* Hence some being left wounded, in vain crying out that they might be dispatched. *y* This being purposely done, that these wretches might languish in their miserie; their tormentors affirming that their Priests commanded them so to do. *z* What should we speake of those 30 or 40 burnt in one House, and 50 in another, *a* The denying of buriall to the dead, *b* whereby Christians have been eaten by Dogs, and Dogs tearing Children out of the wombe; the bloudy beholders relating such things with boasting and great rejoycing: *c* And to make perfect the measure of their cruelty, Two were said to be buried alive, *d* and others that had been long buried, digged up; they saying that the Churches could not be Consecrated, while Hereticks bodies or bones lay therein *e*.

The cruell usage of those 48 poore prisoners in the Gaole of *Monaghan*. *f* Of those in the County of *Armagh*, after drowned in the River of the *Ban*, to the number of 80, *g* or 100, *h* or 196, *i* as it is diversly reported, those 45 drowned together. *k* And those 179 burnt in one house. (x) All these we refer to the reading of the severall depositions concerning them hereunto annexed.

But how can that be forgotten, or where shall it be beleaved, which we hear to have been done in the Church of *Newtown*, in the County of *Fermanagh*; where a childe of *Thomas Strettons* was boyled alive in a Caldron: A thing which as one bare reports we durst not, so neither can we now with confidence enough present it to that your honourable Assembly, nor can we averre it for true, otherwise than as by concurring examinations we find them solemnly deposed, whereunto we desire to be referred. *l* To which may well be added, the forcing of one *Luke Ward* to drinke unto drunkenesse, and then hanging him therein, to take a full revenge both on body and soul (p).
Of

r *Jo. Mandevile*, Co. Dublin, Feb. 3. ex. 64. *s* *Marg. Stocks*, Com. Fer. examined by directions from the Councell Board, ex. 65. *t* *Reynold Griffith*, Com. Armagh, ex. 74. * *Alex. Creighton*. *u* *Ad Glover*, Ro. Barton, with infinite others. *w* *Io. Gregg*, *Alexander Creighton*, ex. 76. *Richard Skinner*, Com. Kildare, Feb. 8. *x* *John Gregg*. *y* *Nath. Higginson*. *z* *Thomas Grant*. *a* *Adam Glover*. *Jo. Mountgomery*. *b* *Thomas Grant*, *Marga. Stocks*. *c* *Jo. Mountgomery*, *Mary Woods*, Com. Kildare, Feb. 23. ex. 66. *d* *Thomas Hewstone*, Com. Kildare, Feb. 15. ex. 67. *Mary Woods*, *Rob. Collis*, Com. Kildare, Feb. 23. ex. 68. *e* *He. Stile*, *Hugh Culme*. *f* *Jo. Mountgomery*. *g* *W. Clerk*. *h* *Mr. Philip Tayler*. *i* *Jo. Mountgomery*. (x) *Cha. Campbell*, ex. 75. *k* *Marga. Parkin*, of *Newtown*, Com. Fer. Jan. 19. ex. 69. *Elizabeth Bursses*, of the same, ex. 70. (p) *Alex. Creighton*, ex. 76. *Geo. Cottingham*, ex. 78. *l* *Henry Boyne*, Com. Tyrone, Feb. 16. ex. 71.

Of which their aforefaid many and barbarous cruelties, each day doth afford us variety of new instances. This City of *Dublin* being the common receptacle for these miserable sufferers. Here are many thousands of poore people, sometimes of good respects and estates, now in want and sicknesse, whereof many daily dye, notwithstanding the great care of those tender hearted Christians (whom God blesse) without whom all of them had before now perished.

In all which, as our sufferings are generall, the hatred of the enemy being expressed to the whole Nation, and to all the professors of the truth. So in chief and above all others *m* do we finde it with the deadliest venome spit against the persons of us the Ministers of the Gospel, towards whom their rage is without bounds.

Of this we see enough in the miserable condition of Mr. *George Cottingham*, a Batchelor in Divinity, and a painfull labourer in the Lords Vineyard. *n* The like we see in the cruell murther of Mr. *Blyth*, slain with Sir *Pheliom o Neales* safe conduct in his hands, it being lift up by him unto heaven, as a witnesse of his treachery. *o* The same we finde in the murther of Mr. *Thomas Trafford*, and Mr. *William Fullerton*. *p* Lastly, that among a multitude, we may content ourselves with a few; We see it in the cruelty exercised upon Mr. *Sharpe* the Minister of *Kells*. *q* Of all which, the following examinations shall speak more fully.

Such of us as have best escaped the hands of these Tyrants have been turned out of all. We, with such other of our brethren, ours and their wives and children coming on foot hither, through waies tedious and full of perill, being every minute assaulted, the end of one but leading to the next danger, one quite stripping off, what others had in pity left. So that in nakednesse we have recovered this our City of refuge, where we live in all extremity of want, not having wherewithall to subsist, or to put bread in our mouthes.

Of those of our brethren who have perished on the way hither, some of their wives and children do yet remain. The children also of some of them, wholly deprived of their parents, and left for deserted Orphans. All of us being exposed to apparant ruine, if not speedily relieved.

This *our most miserable condition therefore, and our Brethren, and of this our whole distressed Church of Ireland, We do in most humble manner Remonstrate and lay downe at the feet of that your Pious, Charitable, and Honorable Assembly.*

Praying, *That we and all of us your Suppliants, together with our Brethren may finde a place among others in your tender considerations, and never exhausted bounty.*

m *Hugh Culme, Henry Stile.* *n* *Io. Cardiff.* *o* *Eliz. Trafford, Com. Longf. Jan. 8. ex. 72.* *William Clerk.* *p* *Geo. Cooke, Margery Sharpe, Com. Meath, Jan. 29. ex. 73.*

bounty. So, and in such manner, as to your Wifdomes shall be esteemed most fitting.

Humbly desiring that we who have borne the burthen and heate of the day, may not be cast off, not having what to eate, or what to put on.

That the Ministry may not in our wants be rendered despicable to our own, as it hath suffered despight from our Adversaries.

And that the rather we may finde this Admittance into your Charity, in that our sufferings are professed by our enemies to proceed (which we glory in) from that your zeal for the Church of God.

God Almighty blesse and further those your Honourable pious desires and designs, and Restrain the fury of our Adversaries, for which we desire the prayers of our Brethren. And He grant, that of his goodnesse all of them may be long preserved from knowing what we suffer, otherwise then by a Brotherly and compassionate fellow-feeling.

which are the daily prayers of

Your Honors Servants

and *Votaries,*

<i>Henry Iones.</i>	<i>Roger Puttöcke.</i>
<i>John Watfon.</i>	<i>John Sterne.</i>
<i>Henry Brereton.</i>	<i>Randall Adams.</i>
<i>William Hitchocke.</i>	<i>William Aldrich.</i>

The severall COMMISSIONS whereupon the following EXAMINATIONS are grounded; out of which the foregoing Remonstrance hath been extracted.

CHARLES By the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. To our wel-beloved Henry Iones, Dean of Kilmore, Roger Puttock, William Hitchcock, Randall Adams, John Sterne, William Aldrich, Henry Brereton, and John Watfon Clerks, greeting. Whereas divers wicked and disloyall people have lately risen in Arms in severall parts of this Kingdome, and have Robbed and spoiled many of our good Subjects, British and Protestants, who have been seperated from their settled habitations, and scattered in most lamentable manner. And forasmuch as it is needfull to take due examination concerning the same. Know ye, that We reposing especiall trust and confidence in your care, diligence, and provident circumspection, have nominated and appointed you to be our Commissioners; and do hereby give unto you or any two or more of you, full power and Authoritie from time to time to call before you, and examine upon oath on the holy Evangelists (which hereby we authorize you, or any two or more of you, to administer) as well all such persons as have been so robbed and spoiled, as all the witnesses

nesses that can give testimony therein, what robberies and spoiles have been committed on them, or any other to their knowledge, since the two and twentieth of October last, or shall hereafter be committed on them, or any of them, what the particulars were, or are, whereof they were or shall be so robbed or spoiled; to what valew, by whom, what their names are, and where they now, or last dwelt that committed those robberies, on what day or night the said robberies or spoiles committed, or to be committed, were done; what traitorous or disloyall words, speeches or actions were then, or at any other time uttered or committed by those Robbers, or any of them, what violence or other lewd actions were then performed by the sayd Robbers, or any of them, and how often: and all other circumstances touching or concerning the said particulars, and every of them. And you Our sayd Commissioners are to reduce to writing, all the examinations, which you, or any two or more of you shall take as aforesaid: and the same to return unto Our Iustices, and Councill of this our Realm of Ireland, under the hands and seales of you, or any two or more of you as aforesaid. Witnesse Our Right trusty and wel-beloved Councillors, Sir William Parsons Knight and Baronet, and Sir John Borlase Knight, Our Iustices of Our said Realm of Ireland. At Dublin the three and twentieth day of December, in the seventeenth of our Reigne.

Carleton.

CHARLES By the grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. To Our Wel-beloved, Henry Jones Dean of Kilmore, Roger Puttock, William Hitchcock, Randall Adams, John Sterne, William Aldrich, Henry Brereton, and John Watson Clerks, Greeting. Whereas divers wicked and disloyall people, have lately risen in Arms in severall parts in this Kingdome, and have robbed and spoiled many of Our good Subjects, British, and Protestants; who have been seperated from their settled habitations, and scattered in most lamentable manner; and many others have beene deprived of their Lands, Rents, goods, and Chattles. And forasmuch as it is needfull to take due examination concerning the same. Know ye, that We reposing especiall trust and confidence in your fidelities, care, and provident circumspection, have nominated and appointed you to be Our Commissioners, and do hereby give unto you, or any two or more of you, full power and authority, from time to time, to call before you and examine upon oath (which We hereby authorise you, or any two or more of you, to administer on the holy Evangelists) As well all such persons as have been so Robbed and spoiled, or deprived of their Lands, Rents, goods, or Chattles, as all the witnesses that can give testimony therein, what Robberies and spoiles have been committed on them, or any other to their knowledge, since the two and twentieth of October last, or shall hereafter be committed on them, or any of them; what Lands, Rents, goods, or Chattles, any person or persons, have since that time been deprived of, by occasion of this Rebellion, what the particulars were, or are in Lands, rents goods, or Chattles, whereof any person, or persons were or shall be so robbed, spoiled, or deprived; to what valew, by whom such robberies or spoiles were committed, what their names are, and where they now, or last dwelt that committed those robberies, or spoiles

spoiles, on what day or night the said robberies or spoiles committed, or to be committed were done; what Traterous or disloyall words, speeches, or actions were then, or at any other time uttered or committed by those robbers, or any of them; and what unfitting words or speeches concerning the present Rebellion, or by occasion thereof were spoken at any time, by any person or persons whatsoever; what violence or other lewd actions were then performed by the said Robbers, or any of them, and how often, what numbers of persons have been murdered by the Rebels, or perished afterwards in the way to Dublin, or other places whither they fled the 23d day of October last, and all other circumstances and things touching or concerning the said particulars, and every of them, either before the three and twentieth of October, or since. And for the better performance of this service, all Incumbents, Curats, Parish-Clerks, and Sextons of Churches in this Kingdome, are hereby required to give into you Our said Commissioners, to the best of their knowledges, the names and numbers of the poore so spoyled, who have been buried in their respective Parishes, and hereafter in and about Dublin, they are to give in weekly Bills under the hands of the Ministers, or Church-wardens of such Parishes, of such of the said persons as shall be so buried in the said Parishes. And you our said Commissioners, or any two or more of you, as aforesaid; are to reduce to writing all the Examinations which you, or any two or more of you shall take as aforesaid, and the same to return to our Iustices, and Councell of this Our Realm of Ireland, under the hands and Seals of you, or any two or more of you, as aforesaid. Witnesse Our right trusty and wel-beloved Councillors, Sir William Parsons, Knight and Baronet, and Sir John Borlase Knight, Our Iustices of Our Realm of Ireland. At Dublin, the eighteenth Day of January, in the Seventeenth yeare of Our Reigne.

Carleton.

EXAMINATIONS *taken before us His Majesties Commissioners thereunto appointed, by vertue of a Commission to us, or any two or more of us, directed under the great Seal of Ireland: Dated the 23d day of December, in the 17th year of his Majesties Reigne. And by vertue of one other Commission directed as aforesaid, bearing Date the 18th day of January, in the yeare aforesaid.*

The examination of John Day of Drumleiff in the County of Cavan, Weaver.

Ex. 1. **T**His Examinee duely sworn deposeth *inter alia*, That the Rebels bad him open the doors of his House, otherwise they would fire his House; and they said that they had a Commission from the Queene, and from beyond the Seas for what they did; and that they would not suffer an *Englishman* to stay in the land.

Jur. 8. Feb. 1641.

William Aldrich, William Hitchcock.

John Day.

The

The examination of Lucy Spell of Drogheda in the County of Lowth.

Ex. 2. **T**His Examinee duly sworn deposeth *inter alia*, That at *Ballendary*, where she was prisoner three weeks, and lodged in *John Parsimers* House; during which imprisonment, she saw one time *John Malon*, a Fryar, who taketh upon him the Title of Chaplain to the Catholike Army in *Ireland*; together with *Michael Murffy*, *Garret Newgent* of *Drogheda*, Merchant, *John Griffin*, and *Patrick Griffin*, of the same, Merchants, *Roger Belin* of the same, Merchant, with others in their company; and heard them in their conference say, We will shortly have the Prince of *England* here in *Ireland*, and make him Vice-Roy, and we will tutor him, and bring him up in the Catholike Religion, and the King himselfe shall live in *Scotland*; and before *Easter* day next, we shall have an Army out of *Spain*, and then we will go all into *England*, and with the helpe of the Catholikes there (all whose names the said Fryar said that he had) we will put all the Puritans and Protestants to the sword.

Jur. 5. Feb. 1641.
William Aldrich, William Hitchcock,
John Sterne, Henry Brereton.

The marke  of the said Lucy.

The examination of John Biggar of Miltown in the County of Dublin, Clerke.

Ex. 3. **T**His Examinee being duly sworn deposeth *inter alia*, That these words were spoken by the Rebels, especially by their Leader. (For the third of *December*) *Edmond Eustace* of *Ballymore-Eustace*, that they did give us but our own Law. For whereas there was an Act made by the Councel of *England*, in the absence, and without the consent or knowledge of the King, for the expelling, banishing, and putting away the Papists out of *England*, and seizing of their goods; which when they had there effected, would have brought the like over hither, for extirpation of the *Irish* Nation that are Papists. These considerations for the defence of the Religion, the Queens person, and by the Kings license, moved them to take Arms, having the *Scots* for a president; they have also vowed not to leave an *Englishman* in *Ireland*. The Kingdome they will have in their own hands, Lawes of their own, and a Deputy of their own, without molestation or interruption of any other Nation.

This night, at the Widdowes House of one *Lawrence Purcell*, I met with one *George Staples*, who for late years had taught the Children of the chiefe of the Gentry in our parts. Having beene formerly acquainted with him, he began to examine me what course I intended to take, I told him I could not tell, untill I came to *Dublin*, and therefore I desired to have his counsell and advice. He began after this manner: You intend to go to *Dublin* saith he, if you do, you must go speedily; for within two days the *Irish* Army will be before *Dublin*, so that you cannot passe; if you should get so much favour as
to

to passe, yet when you come to *Dublin*, you will not be admitted to come within the Gates; and in the Suburbs there are six or seven score dying daily for want of food, so that there will be no abiding place for you; if you intend to go for *England*, the least childe you have will not be carried under twenty shillings, and you (saith he) have not one penny; if you should finde so much friendship as to passe *gratis*, there are such a multitude of people that are gone out of this Kingdom, that *England* being but a small Island, and populous of itselſe, is not able to receive you; if you should be received, there can be no long continuing place for you, for the Papists are striving in *England* as well as here; the Queene being fled into *France* for some abuses offered her own Person, her Servants and Chaplains, which indignities the King of *France* intending to revenge, hath leavied an Army of 40000 men to invade *England*, and the Cardinall in *Flanders* hath leavied the like number, to the like end and purpose, therefore it will be to no purpose to go thither. Lord, Mr. *Staples* (saide I) what shall I do then? If you stay here, you must do as they do, and turn to Masse; yet they will not trust you (sayd he) fearing lest if the King of *England* should ever be able to bring an Army into this Country, the turn-coat *English* should joyne with them, and cut the *Irish* Throats in a Night, as the *English* once did the *Danes* in *England*. Therefore, whosoever of the *English* should turn to the *Romish* Church, they would also compell to take Armes and place them in the Front, and eminent place of danger, that so they might fall. And for hereafter, when they had gotten the Kingdome into their own hands, which they make no question but to have in a short time (having all the Forts, Castles, and strong-holds in *Ireland* in their own hands already, but the Castle of *Dublin* and *Drogheda*; and these two places they would not for many thousand pounds have gotten, for reasons known unto themselves) but when they have once obtained them, and the Kingdom, those *English* that have not fallen by the sword, the holy Church hath so ordered it, that they shall be cut off by the Inquisition, so that they will not leave an *Englishman* alive, whose Ancestors have not been here for two hundred years, with many other like words.

Jur. 29. *Jan.* 1641.

John Biggar.

John Sterne, William Aldrich, William Hitchcock.

The examination of John Mountgomery, late of Clounish in the County of Monaghan, Gent.

Ex. 4. **T**HIS Examinee duly sworn, deposeth *inter alia*, That in their journey, and marching within the County of *Monaghan*, the Rebels murdered of his knowledge, at the least fourscore Protestants, and committed a number of other wicked, barbarous and notorious Robberies and Actions, and by their owne Relation, robb'd, stripped naked, kill'd and drowned forty-five of the *Scots* at one time; and that the same Robbers also murdered Mr. *Blyth*, and Master *Mather* (two constant Protestant Preachers within the County of *Tiron*) and murdered one Master *Fullerton*, Parson of *Loughball* in the

the County of *Armagh*; and neere fourscore more of *English* Protestants, by drowning, and throwing them all over the Bridge of *Partdown* in the said County, into the River of the *Bann*.

And further saith, that the Rebells aforesaid, or some of them confessed unto him, and so he was told also by divers *Scottishmen*, that they the same Rebells, when they came to *Armagh*, *Monaghan*, and *Dungannon*, set all the prisoners at liberty, and that they broke open and defaced the Church of *Armagh*, and burned the pews, pulpit, and the best things in the said Church.

And this Deponent whilst he was with the same Rebells, saw them pull in peeces, kick up and down, deface and spoyl all the Protestant Bibles, and other Protestant Books that they found in any place where they came; and neither this Deponent, nor any other Protestant Prisoner, nor other, durst so much do as to save, or look upon any of them in their sight; nor would they willingly suffer any one to speak the *English* Tongue.

And further, it was pretended that it was agreed in the Parliament House of *England*, that the Nobility and Gentry of *Ireland*, should be sent for to *Dublin*, under colour of passing Patents of their Lands; and there should be imprisoned, untill such time as they should either go to the Protestant Church, or should be put to death: And if they should go to the Church, yet not to be released untill they had given security that their followers should go to the Church also; otherwise, to bring them in to be censured.

And further saith, That when the Rebells of the County of *Monaghan* had surprized, or had command of all that County, some of them said that they would be governed by the *Roman* Law, and some by the *English* Law, which they knew better. And said further, That when they had taken *Dublin* and *Drogheda*, *Derry* and *Knockfergus*, which they did not doubt but to conquer before *Candlemas* then next, they would have a Parliament, and would settle a Government, but would have no Protestants amongst them; but that they would suffer *English* or *Scottish* to be Deputies. Lords Justices, or Judges, so that one of the *Irish* Nation might be joyned with them, and so that all should go to Masse.

And the same Rebells publikely and generally also said, That they made no account but to keep *Ireland* for ever, in regard they had of their own Souldiers two hundred thousand fighting men, besides labourers; and they expected from the King of *Spain*, according to his promise, fifteen thousand souldiers, and Arms and money fit for them: and from the King of *France*, some Ayd, because the Queen of *England*, his sister, was so deprived of liberty of Religion.

And the same Rebells also further said, in this Deponents hearing, That in all forraigne parts it was agreed and resolved that all Protestants or others that would not go to Masse, should be put to the Sword.

And this Deponent further saith, That he did hear *Neale mac Kenny*, Baron of *Trough*, neer *Glaslock*, a notorious Captain of the Rebells, say, That the King had sent directions from *Scotland*, that Sir *Phelomy Roe o Neale*, Knight, should be Generall of all his Majesties Forces in *Ireland*, against the *English*; and that he the said *Neale mac Kenny* should be Governour of the three Counties

ties of *Tyrone*, *Armagh*, and *Monaghan*; And that therefore he the said *Neale mac Kenny*, and the rest of the *Irish* Forces would, after their Conquest of *Ireland*, go into *England*, and there, by the Assistance of the *English* Papists, also conquer the same; And that from thence they would go into *Scotland*, and by the like Assistance subdue that Kingdom, and settle their Religion in all Places.

And further saith, That he, this Deponent was in the County of *Armagh* credibly informed by some *Scots*, and the same was confessed and confirmed to be true by some of the *Irish*, That one *Mr. Keon*, neer *Cregance*, in the said County, and his Souldiers, did take a *Scottish-man*, and a Woman, and tortured them, by hanging them up in a Rope to confesse their moneys; but still before they were dead let them down again.

And saith further, That one *Bryan mac Erowny*, a Ring-leader of Rebels in the County of *Fermanagh*, and his Souldiers, killed one *Ensigne Lloyd*, and *Robert Workman*, both of the same County, Gentlemen, and four of their Servants; one of which they having wounded, but not to death, they buried quick. And this Deponent was credibly informed, That the Daughter-in-law of one *Ford*, in the Parish of *Clonnish*, and County of *Monaghan*, being delivered of a childe in the Hills; the Rebels, who had formerly killed her husband and his father, killed her also, and two of her children, and suffered their dogs to eat up and devour her said new-born childe, which they found with her in that place. And saith further, That *Cole, mac Bryan, mac-Mabon* the Colonell and his souldiers did kill and murder at *Mellifant*, at the Lord *Moore's* house, 18 of the said Lord *Moore's* servants, and would not suffer the greater part of them to be buried, but to lie upon the ground, and be devoured by Dogs, Crows, and ravenous Creatures. And this Deponent had, and hath seen and observed the like to be done by the Rebels since this Rebellion began, within the County of *Monaghan*, to divers other Protestants that they had murdered.

Jur. 26 Jan. 1641.

John Mountgomery.

*John Sterne, William Hitchcocke,
Roger Puttocke, William Aldrich,
Hen. Brereton.*

The Examination of Patrick ô Bryan, of the Parish of Galoon in the County of Fermanagh.

Ex. 5. **T**His Examinee duly sworn, deposeth *inter alia*. That *Donagh mac Guye*, of the County aforesaid, said, That it was against his will that this was begun; but seeing he had put to his hand, he would not give out; for if I should come in, I should be used like *Tyrone*, who was persecuted, notwithstanding his many pardons. *Con oge mac con mac Hugh, mac Mahan*, of *Agbenbolagh*, and County of *Monaghan*, said, That the King knew of this Rebellion, and that it was as hot in *England* and *Scotland* as here, at the same time. And he further said, That all the Nobles of this

Kingdome which were Papists, had a hand in this plot, as well as my Lord Maguire, and *Hugh oge mac Mabon*, and that they expected Ayd out of Spain, by one *Owen Roe ô Neal*, viz. 10000 men, and Arms for as many. Item, the said Deponent further saith, That he heard Colonell *Plunckett* say, That he knew of this plot eight yeers ago; but within these three yeers he hath been more fully acquainted with it: the cause of this Deponents knowledge is, that he was sent with a Letter unto the said Colonell *Plunckett*, from Mr. *Nicholas Willoughby*, and heard the same from the said *Plunckett* as afore-said.

Deposed before us, Jan. 29. 1641.
Henry Jones, John Sterne.

Patrick ô Bryan.

The Deposition of Henry Jones, Doctor in Divinity, and Dean of Kilmore.

Ex. 6. **I** Henry Jones, Doctor in Divinity, in obedience to His Majesties Commission, requiring an Accompt of the losses of His loyall subjects, wherein they suffered by the present Rebellion in *Ireland*: Requiring also a declaration of what trayterous words, projects, or actions were done, said, or plotted by the actors or abettors in that Rebellion; Do make, and give in this following report of the premisses, to the best of my knowledge. As for the present Rebellion, howsoever the first breaking out of this fire into a flame, began first on the 28th of *October* 1641, yet was it smoking, as may well be conjectured, for many yeers before; God having given us many and apparant grounds for the discovery of it, had they been duely considered, or fully prosecuted to a discovery, of which kinde we finde these following four particulars:

1. The first, That about three or four yeers since, amongst many Books brought into *Limerick* from forraign parts, and seized upon by the Reverend Bishop of that See, as prohibited, being thereunto authorized by the State, One had a written addition to the first part, which was printed, the Manuscript containing a discourse of the Friars of the *Augustine* Order, sometimes seated in the Town of *Armagh*, in *Ulster*, But by reason of the times, and that Present resident (as that writing imported) in the City of *Limerick* in *Munster*, That while it flourished at *Armagh*, it was protected, and largely provided for by the then Earl of *Tyrone*: Since whose expulsion out of *Ireland*, the Convent was also decayed, and driven to those distresses it did for the present undergo; but that within three yeers (this is, as I remember, the time limited) *Ireland* should finde, that he had a sonne inheriting his fathers vertues, who should restore that Kingdom to its former Liberty, and that Convent to its first lustre, or words to that effect. This was related unto me by that zealous and learned Prelate Doctor *Webb*, now Bishop of *Limerick*, who saw and read the said passage; purposing as his Lordship told me, to send that book to the Lord President of *Munster*, to be taken into further consideration.

2. Here-

2. Hereunto was added a second passage, about the same time at *Limrick* aforefaid, where a Popish Priest gave out, that within three years there should not be a Protestant in *Ireland*, or words to that purpose, with some other material circumstances which I do not now remember; yet all so concurring with the former, or the first with this (for which preceded I know not, Both being about one time) that it was thought fitting to be considered of, the said Priest being sent unto the Lords at *Dublin*, and he committed to the Castle.

3. The third did agree with the two former, and fell out about the same time in the County of *Westmeath*, in the Province of *Leinster*; where *Walter Newgent* of *Rathaspeck* in the said County, eldest Son to *Walter Newgent*, Esquier (a man of great fortunes) upbraiding an *Irish* Protestant, who was the Parish Clerk of *Rathaspeck* aforefaid, with his Religion; and both speaking *Latine*, the said *Newgent* uttered these words: *Infra tres annos veniet tempus, & potentia in Hibernia, quando tu longè (likely meaning diu) pendebis in cruce propter diabolicam vestram Religionem.* (The party to which this was spoken feared the power of the man) durst not speak of it, only in private. Yet being called upon and examined juridically, upon oath he deposed these words. And being demanded whether the words were in *Hiberniam*, or *Hibernia*; the first importing an Invasion, the other, an Insurrection at home: He deposed the latter, having time given him to consider of it. These Examinations were sent to Sir *George Ratcliffe*; *Newgent* was sent for, and committed to the Castle of *Dublin*, and remained in long durance; but after was dismissed.

4. Hereunto was added a fourth, about the same time near the *Naas*, about twelve Miles from *Dublin*, where a Popish Priest newly arrived out of *Flanders*, did make his addresse to the then Lord Deputy, and informed his Lordship of an intercourse of Letters between the Earl of *Tirone*, with others in *Flanders*, and the Popish Primate of *Armagh*, *Reily*; concerning an Invasion within a short time intended upon *Ireland*; the said Priest offering (so his person might be secured) to direct such as should be thereunto appointed to the place, where the said Letters were in the custodie of the said *Reily*: *Reily* was thereupon sent for, together with the popish Vicar-generall of *Armagh*, as I remember it; both were committed to the said Castle of *Dublin*, but soon after released, and the Informer dismissed, with x. l. and a suit of clothes, or some such reward.

5. Hereunto may this be further added another, not so plain as the former; That about the same time the Lord Baron of *Dunsany* did ride disguised throughout all the parts of *Munster*, pretending to satisfy his curiosity in the knowledge of places and persons: He not being discovered untill his return at the *Birr*, where having offered himself to be bound for one of his company, he writ himself in his own stile, being loth to leave under his Hand a Testimony of his disguised Person, and assumed Name.

Hereunto may be added, a motion made by the Recusant Party in the Parliament of *Ireland*, for hindring the sending away of certain Colonels with their Forces raised in the Kingdom, and pretended to be for service in foreign

parts, many wondring it should proceed from them; but therein, considering these their former practises, their intentions may be discovered to be far different from what others conceived thereof, who assented thereunto: The employing of so many thousands abroad, being a great weakning of the Forces they purposed for this their soon after following Rebellion.

To descend now from the Antecedents of this Treason, to the falling in thereupon; and lastly, to the consequents, and what thereby hath been intended, supposing it to succeed, and that it attained the desired effect, which by them was not doubted of. And first, for the entrance thereinto: Howsoever that the ground-work were long since laid, yet would they not have it so to seeme: But new occasion must be found, as the sole cause of their breaking out, this being intended for the satisfying the mindes of such of their own, as have not hitherto bin acquainted with the depth and mystery of this Iniquity, that they might not stand amazed at the suddenesse of the undertaking, or stand off from joyning with them, the worst part of their designs, it being an apparent Rebellion. The fittest means for this, must have bin by casting aspersions on the present Government, which if long tolerated, would prove extremely dangerous, not onely to their Religion, but their lives and posterity. For effecting hereof, reports were cast out, that in the Parliament of *England*, the cutting off of all the Papists in *Ireland*, of what degree soever, was concluded upon the execution of that Resolution being committed to the Counsell in *Ireland*; the Lords (said they) had laid down a day for this work, being the 23d of *Nov.* then next following, and now last past, or thereabouts. For the better, more secure, and more secret managing of this pretended plot, such of the Popish Nobility and Gentry of both Houses as appeared in Parliament at *Dublin*, should be secured. And for the drawing together of the rest, amongst other pretences, this alledged to be one, That his Majesties rents were purposely omitted, and not called upon in *Easter* Term with that earnestnesse as formerly; and that such as made default should be summoned to appear in *Michaelmas* Term at *Dublin*, and there surprised; such of them as were in the Country, wanting the heads, being easily cut off. They say that this pretended plot was I know not how discovered to them: So that for the safety of their lives, and profession, they were enforced to stand upon their guard, and to counter-work that day of the 23d of *Nov.* laid for their destruction, by their declaring themselves in arms on the 23d of *Octob.* a moneth before. The serious part of this Discourse was related to me by a Friar intimate in their Counsell, and by a Priest a Popish Vicar-generall, thereby to give me satisfaction, and to justifie their proceedings, whose names I do for the present forbear, in respect of his Majesties service.

By others also it was informed, That this plot was mainly intended in that Session of Parliament, next after the Earl of *Straffords* beheading, and the manner concluded upon in the Popish private meetings, which were then observed to be frequent, and by some suspected might prove dangerous, and that for discovery of what provision of armes and ammunition our store of *Dublin* afforded (it being by some suspected, that most was sent before to *Carrick-fergus*)

fergus) one of the Popish Faction, in the House of *Commons* put one of the Protestant Members to move, that some of the Earle of *Straffords* men had cast out some threatning words against the Parliament in revenge of his Lord, which could not be conceived to end in lesse than a blowing up of the whole Houses of Parliament, the store lying under them; whereupon a Committee of both Houses, many of them prime Papists, were appointed to make search in all the corners in the Store; amongst these the Lord *Mac Guire* was one who was observed, without occasion to be liberall in disposing of money to some of the Officers of the Store, in a way more than was ordinary with him.

The last Session of Parliament being prorogued, and the time drawing nigh for putting their designe in execution, there was a great meeting appointed of the heads of the *Romish* Clergie, and other Lay-men of their Faction, said to bee at the Abbey of *Mullifarvan*, in the Countie of *Westmeath*, where is a Convent of *Franciscans*, thereof openly and peaceably possessed for many years last past: the day of their meeting being also on their Saint *Francis's* day, about the beginning of *October* last, but the time and place I cannot confidently affirm, yet howsoever the severall opinions and discussions are as follow, like as I have received it from the said Fryer, a *Franciscan*, and present there, being a Guardian of that Order, where among many other things there debated, the Question was, What course should be taken with the *English*, and all others that were found in the whole Kingdom to be Protestants. The Councill was therein divided.

1. Some were for their banishment, without attempting on their lives; for this was given the Instance of the King of *Spaines* expelling out of *Granado*, and other parts of his Dominions, the *Moores*, to the number of many hundred thousands: all of them being dismissed with their lives, wives and children, with some part of their goods (if not the most part) that this his way of proceeding redounded much to the honour of *Spaine*, whereas the slaughter of many innocents would have laid an everlasting blemish of cruelty on that State, that the like usage of the *English* their neighbours, and to whom many there present owed (if no more) yet their education, would gaine much to the cause, both in *England* and other parts: That their goods and estates seized upon, would bee sufficient without meddling with their persons, that if the contrary course were taken, and their blood spilt, beside the curse it would draw from heaven upon their cause: It might withall incense and provoke the neighbour Kingdome of *England*, and that justly taking a more severe revenge on them and theirs, even to extirpation if it had the upper hand.

2. On the other side was urged a contrary proceeding to the utter cutting off all the *English Protestants*, where to the instance of the dismissed *Moores*, it was answered, that that was the sole Act of the King and Queen of *Spaine*, contrary to the advice of their Councill, which howsoever it might gaine that Prince a name of mercy, yet therein the event shewed him to be most unmercifull, not onely to his owne, but to all Christendome beside. That this was evident in the great and excessive charge that *Spaine* hath beene since that time put unto by these *Moores* and their posterity to this day. All Christendome also hath
and

and doth still groan under the miseries it doth suffer by the piracies of *Algiers*, *Sally*, and the like Dennes of Theeves. That all this might have been prevented in one houre by a generall Massacre, applying that it was no lesse dangerous to expell the *English*: That these Robbers and banish'd men might again returne with swords in their hands, who by their hard usage in spoiling might be exasperated, and by the hope of recovering their former estates, would be incensed far more than strangers that were sent against them, being neither in their persons injured, nor grieved in their estate, that therefore a generall Massacre were the safest and readiest way from freeing the Kingdome of any such feares.

3. In which diversity of opinions, howsoever the first prevailed with some, for which the *Franciscans* (saith this Frier, one of their Guardians) did stand, yet others inclined to the second: some again leading to a middle way neither to dismisse nor kill.

And according to this do we find the event and course of their proceedings. In some places they are generally put to to the sword, or to other miserable ends, some restrain their persons in durance, knowing it to be in their hands to dispatch them at their pleasures; In the mean time, they being reserved either for profit by their ransome, or for exchange of prisoners, or gaining their own pardons by the lives of their prisoners, if time would serve, or by their death (if the worst did happen) to satisfy their fury. The third sort, at the first altogether dismissed their prisoners, but first having spoiled them of their goods, and after of their raiment, exposing the miserable wretches to cold and famine, whereby many have perished by deaths worse then sword or halter.

Hitherto of their Counsells, and the effects of them. Now for their intentions, all being reduced, which God forbid, into their power; and thereof do they as by some Law, give such peremptory conclusions, that it may well be wondred the thoughts of men professing themselves wise, should be so vain: and herein I do still follow mine informer.

First, their loyalty to his Majestie shall be still reserved. Thus say they of the modest sort: But both his Revenues and Government must be reduced to certain bounds: His Rents none other than the ancient reservation before the plantation, and the Customes so ordered, as to them shall be thought fitting.

Secondly, for the Government, such as would be esteemed loyall, would have it committed to the hands of two Lords Iustices, one of the ancient Irish race, the other of the ancient British Inhabitants in the Kingdom; provided that they be of the Romish profession.

Thirdly, that a Parliament be forthwith called, consisting of whom they shall think fit to be admitted, wherein their own religious men shall be assistants.

Fourthly, Poinings Act must be repealed, and Ireland declared to be a Kingdom independant on England, and without any reference unto it in any case whatsoever.

Fifthly, all Acts prejudiciall to the Romish Religion, shall be abolished; and it to be enacted that there be none other profession in the Kingdome but the Romish.

Sixthly,

Sixthly, that onely the ancient Nobility of the Kingdome shall stand, and of them, such as shall refuse to conform to the Romish Religion to be removed, and others put in their room; howsoever the present Earl of Kildare must be put out, and another put in his place.

Seventhly, all plantation lands to be re-called, and the ancient proprietors to be re-invested in their former estates, with the limitations in their Covenant expressed; That they had not formerly sold their interests on valuable considerations.

Eighthly, that the respective Counties of the Kingdom be subdivided, and certain bounds or Baronies assigned to the chief Septs and others of the Nobility; who are to be answerable for the Government thereof: And that a standing Army may be still in being, the respective Governours being to keep a certain number of men to be ready at all risings out (as they term it:) They also being to build and maintain certain fortresses in places most convenient within their precincts: And that these Governours be of absolute power, onely responsible to the Parliament.

Lastly, for maintaining a correspondencie with other Nations, and for securing the coasts. That also they may be rendred considerable unto others, a Navie of a certain number of Ships is to be maintained: That to this end five houses are to be appointed one in each province, accounting Meth for one of them: That to these houses shall be allotted an annuall pension of certain thousands of pounds to be made up of part of the lands appropriate to Abbeyes: And a further contribution to be raised in the respective provinces to that end: That these houses are to be assigned to a certain Order of Knights, answerable to that of Malta, who are to be sea-men: And to maintain this Fleet, that all prizes are to be apportioned; some part for a common bank, the rest to be divided; to which purpose the felling of woods serviceable for this use, is to be forbidden: The House for this purpose to be assigned to the province of Leinster, is Kilmainham, or rather Howth, the Lord of Howth being otherwise to be accommodated, provided he joyn with them; that place being esteemed most convenient, in respect of situation, which they have small grounds to hope for.

For effecting of all which, they cast up the accounts of the forces of this Kingdom, That it is able to make up readily, two hundred thousand able men, wanting onely Commanders, and some expert souldiers for the present with arms and ammunition: of all which, they expect a speedy supply out of Flanders their own Regiments there exercised, being to be sent over, and some shipping from Spain allotted for service: That this Kingdom being settled, there are thirty thousand men to be sent into England, to joyn with the French and Spanish forces and the service in England performed, joyntly to fall upon Scotland, for reducing both Kingdoms to the obedience of the pope; which being finished, they have ingaged themselves to the King of Spain for assisting him against the *Hollanders*.

And for drawing their followers to some head, and for giving the fairer glosse to their foul Rebellion, it is to be admired, what strange and unlikely rumours of their own devising they cast abroad; sometimes that many sail of Spaniards are landed now at one port, then at another: That Drogheda was taken at such a day and hour, with all the circumstances at large, and

Letters

Letters to that purpose dated from *Drogheda* by the Rebels that besieged it: That *Dublin* was taken: And being infinitely ambitious of gaining the Earl of *Ormond* to their part, for the greater countenance to their cause, giving out that he was their own; which was so long beleev'd by the said followers, untill that noble Earl giving daily those honorable Testimonies to the contrary, and they finding it to their cost, though with the hazard of his own person, further than his place might well allow; they are now otherwise satisfied, and place him in the rank of their mortall enemies, together with that terror to them, Sir *Charles Coote*, and others.

And thus have I laid down all that I have heard to me related, omitting what I finde others more largely to insist upon. All which their treacherous, vain, and ayry projects God disappoint.

As for my own private sufferings by the present rebellion, I refer them to another Schedule, this being so far taken up.

Deposed before us, *March 3, 1641.*

Hen. Jones.

*Roger Puttock, John Sterne,
John Watson, William Aldrich,
William Hitchcock.*

The Examination of Edmund Welsh, of Moylerstown, in the Kings County.

Ex. 7. **T**His Examinee duely sworn, deposeth *inter alia*, That *Piers Fitzgerald* of *Ballisohan*, in the said County, taking his Peternell ready cocked, presented the same to this Deponents brest, saying (when this Deponent offered to draw his sword) that it was in vain for him to strive against so many, and so disarmed him, and took from him his sword and dagger, with eight Guns, with certain Powder and Lead, alleading, that there was an Excommunication from the chief of their Church against any of his Religion that would not doe the like; and if he had not done so, and that soon, some of his neighbours would have had his head; and that they would never ask any Quarter, nor accept of any pardon. And these traitorous words were then and there spoken, and these hostile and outrageous acts committed as aforesaid: all which this Deponent upon oath averreth.

Jur. 22. Jan. 1641.

Edmund Welsh.

William Aldrich, John Sterne.

The Examination of John Edgworth, Esquire, High Sheriff of the County of Longford.

Ex. 8. **T**His Examinee duly sworn, deposeth *inter alia*, That he sending abroad to know what the meaning of this Insurrection was, word was brought him by one *Thomas Stafford*, once a servant to this Examinee, that he heard there was a Commission come from his Majesty to the *Irish*, by which they had power to destroy the *English* in this Kingdom, and in so doing,

ing, to revenge the wrong done to his Majesty by the Puritans of *England*, who had not only taken away his prerogative, but had also deposed him, and put up the Pallgrave in his stead: This Examinee discoursing further with the said *Stafford*, asked him if there were not a great meeting of Friars and Priests about the third or fourth of *October* last, being Saint *Francis's* day, at the Monastery of *Multefarnam*, in the County of *Westmeath*; to which the said *Stafford* answered, There was: And being further asked by this Examinee what was the meeting for, he answered he did not know; onely thus much, That some of the Friars told him that this was a yeer of *Jubilee*, and that there was a plenary Indulgence or Bull (as he termed it) from the Pope, for all the sins committed, and all that should be committed this yeer of *Jubilee*.

Deposed before us,

Feb. 23. 1641.

John Edgworth.

Hen. Jones, William Aldrich.

The Examination of John Brooks of Ballyheys, in the County of Cavan, Yeoman.

Ex. 9. **T**His Examinee duly sworn, deposeth *inter alia*, That by some of the Rebells this Deponent, and other *English* Protestants, were threatned to be presently murdered, unlesse they would presently be gone: And if they went to *Dublin*, they should finde small relief there; if for *England*, as little there; for *England* was in the same case. And further said, That they had long paid Rents to the *English*, but they would make them pay it back again: further alledging, That what they did, they had authority for the same from the King, or words to that effect.

Jur. 5, Jan. 1641.

John C Brooks his mark.

Roger Puttock, John Watson.

The Examination of Grace Lovett, wife to Fran. Lovett of Ballewhillan, in the County of Fermanagh.

Ex. 10. **T**His Examinee duly sworn, deposeth *inter alia*, That *Patrick mac Collo mac Donnell*, *Edmond mac Donnell*, and the rest of their company, the 25th day of *October* last, entred into severall parcells of Land, and outed this Deponent and her children; as also took away the Lease, Writings, Will, and Escripts that this Deponent had, that concerned the estate of the severall parcells of Land.

And further deposeth, That she heard one of the Company of Captain *Rory Magwire* (who, as this Deponent heard, was a Friar) say, That it was well that this Deponent was come into their Company to save her life; for if she should go for *Dublin*, it would be as bad; and if she went for *England*, it would be worse (for said he) we have the Kings broad Seal for what we do; And for the reason of our rising, it is because the Puritans preferred a Peti-

tion against us, and could not let us enjoy our Religion quietly, for we stand for our lives: And if we should not have done this, we had all lost our lives upon one day, or words to that effect.

And further this Deponent saith, That she this Deponent, her Husband, and four Children, were all stript naked by the said Rebels, belonging to the said Captain *Rory*, the said 25th day of *October* last, at *Newtown* alias *Castle-cool*.

Deposed before us, Jan. 5. 1641.

Grace in Lovets Mark.

Hen. Jones, Hen. Brereton.

The Examination of Elizabeth Coats of Drumully in the County of Fermanagh, Widdow.

Ex. 11. **T**His Examinee duly sworn, deposeth *inter alia*, That she heard some of the rebellious Company say, and ask the *English* Protestants that were there robbed, what they intended to do, or whither to go, saying unto them, if they went for *Dublin*, that was taken by the Lord *Magwire* upon *Saturday* before, and there they should finde small relief; if for *England* or *Scotland*, it was as bad there, as here; saying further, that what they did, they had the Kings Commission for it.

Deposed this 4th of Jan. 1641.

Elizabeth M Coats her Mark.

before us,

Randal Adams, John Watson.

The Examination of Nicholas Willoughby of the Carrow in the County of Fermanagh, Esquire.

Ex. 12. **T**His Examinee duly sworn, deposeth *inter alia*, That *Con oge mac Mabon* said, that all the Counties in *Ireland* were in Action, or Rebellion, as well as *Monaghan* and *Fermanagh*, and that there was warre in *England* and *Scotland*, between the Papists and them.

And moreover he said, That the *Irish* were certainly informed that there was a course to be suddainly taken with them, to make them go to Church, or else to lose their lives, and that they had seen some Writing, or Letter to that effect; and said that *Owen mac Art o Neal* was come out of *Spain*, and landed about *Strangford*, or that side, and that he had brought store of Arms and men with him, and that there were many *Redshanks* come over out of the Highlands in *Scotland*, to take their parts.

Deposed before us, Feb. 23. 1641.

Nicholas Willoughby.

Hen. Jones, Will. Hitchcock.

The Examination of Thomas Crant of Cavan in the County of Cavan.

Ex. 13. **T**His Examinee duly sworn, deposeth *inter alia*, That the said *Donnagh mac Gwire* expressing, that he was not made privy to the

the generall Cause, untill two or three dayes afore the day came, if he had been made of the Councell, he would advise other wayes, then to take up Arms; but that now it was so, his hand was in, and that he would not take it out, and that if the Lord of *Eveskillin* was ill used, we should be farre worse; and that if he suffered, we should all be destroyed, not one should escape, and that for his part he would never look for pardon, for that he knew well enough, that they could pick a fault in any pardon, after that he was come in, to destroy him, for that how many pardons soever the Earl of *Tyron* had, as yet they did him no good: Therefore he would not trust to any, but would stand out to defend his Country with his bloud, Expressing that the *Scots* were, and had been always their freinds, and that they had a Covenant to shew, whereby it might appear the fair correspondency between them, the *Irish*, and the *Scots* in *Scotland*; which covenant imported, that the *Irish* should never take part with the *English* against the *Scots*; and that the *Scots* should never take part with the *English* against the *Irish*; And that it was so covenanted between many of the Lords of *Scotland*, and many of the Lords, and chief Gentry of *Ireland*; and that *Hugh mac Mahon* had the Covenant to shew;

Saying, That he was more a Papist then a Protestant, and that the Puritan Parliament of *England*, was the cause of all this, that they had laid a plot, that at the next Sessions of Parliament, here in *Ireland*, that the Papists of the House should be all committed to the Castle, or murdered, and the Protestants were to murder all the Papists throughout the Kingdom, and that they having intelligence of that; therefore they did begin first, and would now continue, and that all the whole Kingdom did rise, as they did the self same day the 23. of *October*, and that all the Papists in *England* did so that same day, rise in Arms against the Protestants; and also that some Papist Earls and Lords in *Scotland*, did likewise so too; So that there was warres in *England* and *Scotland*, as there was here in *Ireland*.

Divers Women and Children murdered, lying unburied till dogs spoiled their Corps, Women with Childe murdered; and some dyed for cold, after being stript forth of their Cloaths, lying unburied, that dogs gnawed their Children forth of their Wombs, which this examine heard some of the vulgar people report with cheerfullnesse.

Also there he heard reported by *Con oge mac Con mac Hugh mac Mahon*, *Patrick oge mac Rosse Magwyre*, that upon *Christmas*-day, they with a matter of a 1000 Men, went down to *Eniskillin* sledge, and there they burnt the house of *Lisgoole*, whereinto was come of Men, Women, and Children, a matter of 50 souls of *Scots*, who they burnt all in the house, except Master *Iames Dunbarre* and his Sister, whom they gave quarter to; and took them forth of a Window, and keepe them prisoners; as also they had burnt a Castle called *Tullin*; wherein was a matter of 30 or 40 souls of *Scots*, and that as yet they could not do any good on *Moone Castle* nor of *Eneskillin*.

A poor Man was met withall, by a couple of *Irish* Women, who knock'd him in the head, and killed him, the Lord of *Dunsany* sent for the Women, examined the reason why they did so, they answered that *Barnaby Regley* was

hanged at *Dublin*, and they did it to revenge his death, the Lord of *Dunfany* committed them to prison, what since is done with them, this examine knoweth not.

At my being at *Racaine*, I heard it credably reported, that on the Sunday before *Christmas-day*, that after *Edmund mac Mulmore o Rely* had pillaged Bishop *Bedle* of *Kilmore*, and sent him with his two sonnes to *Cloughwater* Castle to restraint; that the Romish Bishop *Mac Swane*, came to the Church of *Kilmore*, and there did consecrate it anew, and set up an Altar there, and so said Masse, and there liveth in the Bishops house.

Jur. 13. Febr. 1641.

Thom. Crant.

Roger Puttock, Will. Aldrich.

The Examination of Elizabeth Parker late of Battyduft in the County of Catherlagh, Widdow.

Ex. 14. **T**His examine duly sworne, deposeth *inter alia*, That when she and others were wishing themselves in *England*? What should you do in *England*, for it was as bad as in *Ireland*; Besides, the Seas were very dangerous; and *Comerfords* Wife further said, that the Queens Priest was hanged in *England*, which was the cause of the insurrection in this Kingdom, or to that effect.

Jur. 13. Ian. 1641. Coram.

Elizabeth Parker.

Roger Puttock, John Watson.

The Examination of Ockar Butts late of Bollganreagh in the County of Wexford, Gentleman.

Ex. 15. **T**His examine duely sworne, deposeth *inter alia*, That one of the Rebels of the said company, being (as he said) the Leader or Commander over them, spake these words, *viz.* That they had full power and commission from their Generall, to execute such and the like exploits against the Protestants; and that we should have no longer respite to remain in this Kingdom, then untill the next day following; And that then all Protestants should have generall warning to depart this Kingdom upon pain of death. And they then made question, whether we should be permitted to land in any part of *England*, or no. And that such straight Commission was granted, and sent over unto their Generall by the Queen, and some of the best Nobility of *England*. And also that they did not neer execute towards us Protestants, the tenure and rigour of their said Commission; protesting with great prophane oathes, That they shewed much favour unto us.

Jur. Ian. 25. 1641. Coram nobis,
John Watson, Hen. Brereton.

Ockar Butts.

The

The Examination of Edward Denman of Belturbut, in the County of Cavan Merchant.

Ex. 16. **T**His Examinee duely sworn, deposeth *inter alia*, That he asking *John Rely* why they did not meddle with the Scots, he said the Scots did joyn with them.

Furat coram nobis. 27 Jan. 1641.
John Watson, Randall Adams.

Edward Denman.

The Examination of Geo. Fercher of Toneheye, in the County of Fermanagh, Clerke.

Ex. 17. **T**His Deponent being duely sworn, deposeth *inter alia*, That *Conoge mac Makon*, of the County of *Monaghan*, and Barony of *Dartrie*, did say, That what they did against the *English*, was done by Commission from His Majesty; and that all the *Scottish* Nation was joyned with them in a Covenant, for the extirpation of the *English*; and to that effect he said he was able to let me see the Earl of *Argile* his Hand, together with the Hands of the greatest part of the prime Nobility of Scotland.

Deposed before us, Jan. 4. 1641.
Hen. Jones, Randall Adams.

Geo. Fercher.

The Examination of Elizabeth Dickinson, neer Clounish, in the County of Fermanagh.

Ex. 18. **T**His Examinee duely sworn, deposeth *inter alia*, That some of *Rory Magwire* his Company did, in the hearing of this Deponent, say, That the Scots were to leave never a drop of *English* blood in *England*, and that the *Irish* had command to leave never a drop of *English* blood in *Ireland*; and that they were the Queens Soulders. And further sayeth not.

Deposed before us, Jan. 3. 1641.
Roger Puttock, Hen. Brereton.

Eliz. Dickinson.

The Examination of John Shorter of Callahill, in the County of Fermanagh.

Ex. 19. **T**His Examinee duely sworn, deposeth *inter alia*, That they asked this Deponent whither he would go (to whom he answered, For *England*) then said they, This day *Dublin* Castle is taken, the Tower of *London*, and Castle of *Edenborough*; and you have but four and forty hours to live, and then both *English* men and women, and children shall be slain.

Deposed before us, Jan. 5. 1641.
Roger Puttock, William Aldrich.

John Shorter.

The

The Examination of Thomas Knowles of Newtown, alias Castlecool, in the County of Fermanagh, Yeoman.

Ex. 20. **T**His Examinee duly sworn, deposeth *inter alia*, That *Hugh mac Mahon*, and one *Patrick Magwire* told this Deponent, That they had Commission from His Majesty for what they did; and that the same doings was done throughout the whole Kingdom at that time, their Plot having been working for two yeers last past; and that certainly God had a great Hand in the same; all Places of the Protestants abode being taken and yeelded, except three, *viz. Londonderry, Eneskellin*, and another Town, this Deponent now not remembring the name; and that those Towns could not long withstand their Forces, because the Lord *Magwire* had taken *Dublin Castle* (as they said) the *Saturday* before, otherwise if it had not been taken, and that their Plot had been discovered, the said Lord *Magwire* had been with them again upon *Saturday* aforesaid.

Deposed before us, Jan. 3. 1641.

Tho. Knowles.

Hen. Jones, Roger Puttock.

The Examination of John Kerdiff, Rector of the Parish of Disertereagh, in the Barony of Dungannon, and County of Tyrone.

Ex. 21. **T**His Examinee duly sworn, *inter alia*, deposeth and saith, That the trayterous Actions committed, and words spoken by the Rebels against the Protestants, were as followeth:

October the 23d and 24th, they surpris'd these Forts, viz.

Dungannon, Charlemont, Castle Caulfield, Mountjoy, Munnymore, Castle-Blaney, Monaghan, Newry; in a word, all the chiefe Forts in the Counties of Armagh and Tyrone, and ransacked every Town and House which belonged either to Englishman or Scottish.

They murdered the very first day Mr. *Mader*, Minister of the Parish of *Donoghmore*, by some of the *Donelies*: within a while after, they murdered Mr. *New*, Curate to Mr. *Bradley*, of the Church of *Ardtra*, by one of the

The Minister of *Dungannon* (Mr. *Blyth*) with eight more, were murdered, being first stript, and after driven out of the Town, under colour of Conduct; and within half a mile to the Town murdered Mr. *Blyth*, holding Sir *Phelomies* Protection in his Hand, as if he would call God's Vengeance down on such treacherous truce-breakers.

It was also related to me, that Mr. *Fullerton*, Minister of *Loughgale*, and Master *Morgan Aubery* were killed at the Bridge of *Port of Downe*, at which time about eighty or an hundred of the Inhabitants of *Loughgale* were cast into the River and there drowned.

Many more Murthers were committed on the *English* and *Scotch*.

R O B B E R I E S.

Master *Bradley* was robbed to the value of one thousand pounds, and whilst he was robbing, Sir *Phelim ô Neal* and his company passed by, and soone after he was turned out naked out of his House; the Rebels neither leaving Doublet, Coate, Hat, nor Shirt, with him. His Wife is falne into an extream frenzey by these outrages.

Master *Dunbarre* Minister of *Donoghemie*, with his Wife, and five or six small Children, with an old Father and Mother, were all of them stript and robbed of whatsoever Goods, or wearing Cloaths they had; so that for a while the man was distracted, and after compelled to tye some straw about his thighs, to cover his nakednesse, and was whipt as I was certainly informed, and what is become of him, his wife, or children, no man in the County could tell me, though I lived within three miles of him.

Master *Wright*, Archdeacon of *Dromore*, had his House which cost him much, burnt; I saw himself, his wife, and two children, in extream misery at *Charlemont*, from whence they journied to *Kinard*.

Master *Robinson*, Minister of *Kinard*, and his wife, lived miserably at *Lough-gale*, having nothing left to satisfie Nature, but what they could procure by others distressed like.

Master *Hasting*, Minister of *Tullaniskin*, was turned out of his lodging, and stript starke naked, and clad in beggars Cloaths, not a Shoe to his Foot, in which state he came to the house, wherein I was lodged, where the people of the House durst not give him lodging, fearing least he should be murdered; for twice the next day, there was search made for him.

Sir *William Brumley* had his Town and Castle burned, and all his Goods taken away.

What shall I say more, all the *English* and *Scotch* in the Counties of *Armagh* and *Tyrone* (a few only excepted) were not left worth a farthing.

At *Armagh*, Archdeacon *Maxwell* related, That about forty men, women, and children were drowned at *Cor Bridge*, neer *Glaslough*; the children going merrily hand in hand, as to a place of refuge, and one of their company having license to pray, prayed so effectually, that one of his Executioners went frantick with the conceit of this impious fact.

The words which I took notice of, were these: Sir *Phelim ô Neal* told, in my hearing, That he had Commission for what he did, not only from most of the chief of the Nobility of this Kingdom, but from his Majesty; and had also Letters to that purpose from the Earl of *Argile*.

And that their Intentions were only for the liberty of their Religion, and for the recovery of their Lands, which should appear by the Law of the Land to be unjustly held from them.

Colonell *Plunket* told us at *Armagh*, That seeing this Exploit was begun, he was one of the chief Plotters thereof, and was seven yeers employed in the compassing of it.

Frier *Malone* of *Skerries* did take the poor mens Bibles, which he found in the Boat, and cut them in pieces, and cast them into the fire, with these words,

words, That he would deal in like manner with all Protestant and Puritan Bibles.

At Master *Connor's* House (where the Frier was) they had *Hannor's* Chronicle, out of which they animated the Rebels with the Story of the *Danes* Discomfiture by the *Irish*, though for the most part unarmed, and paralleled the History with these times.

This Frier acknowledged that he was fourteen yeers employed to bring this designe to passe.

At *Dongannon* they reported of a Vision seen a little before this Insurrection began: A woman compassing about the Town with a Spear in her Hand; when any would approach her, she would seem to go from them; when any would go from her, she would draw near unto them: The like, they say, appeared before *Tyrone's* former Rebellion.

At *Armagh*, Colonel *Pluncket* told us of another Vision seen at *Lisneigavey*, which he and about twenty more beheld, after the Battle (wherein the *Irish* lost very many of their Men, and most of their Arms) There was an House set on fire at the end of the Town; by the Light of which fire, they discerned a number of Horsemen riding to and fro; the number seemed to the Colonell to be about a Thousand, or Fifteen Hundred: Upon which relation, I was bold to enquire whether they seemed their own, or their enemies: he answered, That sometime they conceived them their own, otherwhile their enemies.

Yet I believed they could hardly seem their own, because amongst them they had not neer so many Horses. I further desired to know what they supposed them to be: he said, They were conceived to be Fayries, or such like.

At *Ardtra* we were set upon by some of the *Scots* (of whom *Robert Stewart*, Brother to the Lord of *Castle-Stewart* was chief) who took some of the Goods out of the House, and many of our Horses and Arms from us.

Jurat. ult. Feb. 1641.

John Kerdiff.

William Aldrich, John Sterne.

The Examination of Edward How, of the Parish of Galoon, in the County of Fermanagh, Clerk.

Ex. 22. **T**HIS Examinee duly sworn, deposeth *inter alia*, That he heard *Donagh mac Quire* say (when *Hugh mac Mahon*, of the County of *Fermanagh* excused my Lord *Magwire*, and said, that others had perswaded him of late to stirre in this Action) That my Lord *Magwire* knew of it long before, and all the Nobility and Men of Quality that were Papists in this Kingdom: Moreover I heard *Con oge mac Con mac Hugh mac Mahon*, of *Aghnebolah*, and County of *Monaghan* say, That if my Lord Lieutenant had not been put to death, they had not made this Insurrection. Further I heard him say, That there was an Act made by the present Parliament of *England*, That all Papists there, or elsewhere in this Kingdom, should go to Church, otherwise be hanged at their own doors, and therefore they would begin with us, lest we

we should begin with them here, as they did in *England*; for he said they had hanged a Jesuite in *London*, which was the Queens Chaplain, and further this Deponent cannot say.

Deposed before us, Jan. 29, 1641.

Edw. How.

Hen. Jones, John Sterne.

The Examination of George Cook, late of Liffnegney, in the County of Cavan, Yeoman: And of John Cook his son.

Ex. 23. **T**He Deponent being duly sworn, *inter alia*, deposeth and further saith, That as he and his wife and children fled away towards *Dublin*, they met at *Kells* with a Protestant Minister, by Name Master *Sharpe*, who had three Children, and carryed two of them on his back, whom the Rebels perceiving to be a Protestant Minister, did most barbarously hack, cut in pieces, and murther, thrusting into his Body three or four pikes together, and threw him into a ditch of water, where they left him: but because the Deponent fled to save his life, he cannot tell what became of the said Ministers poor children. And the Deponent *John Cook* further saith, that the same night one *Tirlogh Brady* took away the Deponants fathers goods: he the said *Tirlogh* told the Deponent, That that action was a great Rebellion, and that all the papists in *Ireland* were in Rebellion against the King and Counsell, and that the Lord *mac Guire* had then taken the Castle of *Dublin*; and that the Protestants must be banished out of the Kingdom, and the papists would have the same themselves. And about the same time one *Tirlogh o Gowen alias Smith*, a popish priest, demanded the Key of the Church of *Lara* of this Deponents brother: which being delivered unto him, he the said *Tirlogh* said, that the papists would have their Churches, Lands and Kingdom from the *English*, and be no more slaves to the *English* as they had been, or else they would lose their lives.

Jur. Jan. 22. 1641.

George Cooke.

Hen Brereton, William Aldrich.

John Cooke.

The examination of John Jesop of Cloynmoore in the County of Kildare.

Ex. 24. **T**His Examinee duely sworne, deposeth *inter alia*, That he hath credibly heard, that all the Papists in the County of *Wexford*, and *Kilkenny*, and in all the Counties of *Ireland*, are actors, Abettors, or at least secret well-wishers unto this Rebellion.

Jur. 8. Jan. 1641. Coram nobis.

John Jesop.

Hen. Brereton, Will. Hitchcock.

*The Examination of John Greg of Levileglish in the County of Armagh,
Yeoman.*

Ex. 25. **T**His Examine duely sworne, deposeth *inter alia*, That his Wife and five small Children are in the Rebels hands, who were most cruelly stripped before he left them, even to the childe that sucked the brest; further he saith, that his said Wife being stripped to the skin by one of the *Donnells*, was by him most cruelly beaten with his drawn Sword in a triumphing and rejoycing manner, and with singing.

Fourther he saith one Captain *Art o Neal*, of the Parish of *Levileglish* aforesaid, Gentleman, who pretended friendship to him, said that unlesse he would take up Arms, and go to Masse, there was no hope of his life, unto whom he replied, that that was great cruelty, neither to suffer him the said *Gregg* to live a slave amongst them, nor suffer him to passe into his Native Countrey, unto whom the said Captain replied, that neither of those requests would be granted, affirming that it was intended by them, not to leave an *English* Protestant alive in this Kingdom, and that there was no hope of peace for tenne yeers to come.

He further saith, That in the aforesaid Parish, there were divers *Englishmen*, most cruelly murdered, some twice, some thrice hanged up, and others wounded, and left half-dead, crying lamentably for some to come and end their misery by killing them out.

And further he saith, that the names of the chieft of the Rebels in those parts, are *Phelomy o Neal* of *Kinnard* in the County of *Tyron*, Knight, and *Turlagh o Neal* Esquire, his Brother, and one Colonell *Pluncket*, and Captain *Manue oge o Caban* of the County of *Armagh*, Gentlemen, and *Redmond o Mullan* of the *Grange* in the County of *Tyron*, Gentleman, and *Patrick o Mullan* now of *Armagh*, Gentleman, who wrote Proclamations in His Majesties Name.

And further he saith, that he heard by credible *Englishmen*, that the said *Phelmoy o Neal* affirmed, that his taking up Arms was by His Majesty, and the Queens consent, and the Parliament in this Kingdom; and further that one Captain *Shane o Neal*, in the County of *Tyron*, stiled the said *Phelomy o Neal*, with the title and stile of His Majesty.

*Jur. 7. Jan. 1641. Coram nobis.
Will. Hitchcock, Roger Puttock.*

John Greg.

*The Examination of Henry Raynolds of Cornemuckley in the County of Cavan,
Yeoman.*

Ex. 26. **T**His Examine duely sworne, deposeth *inter alia*, That he heard one whose name, as he thinks is, *Ferdoragh* (an *Irish* Priest) say that they had the Kings hand for what they did, and the cause
of

of their rising, was because, there was a Statute made in *England*, that all papists should go to Church before a certain time, or be banished.

Deposed before us, 4. Jan. 1641.

Hen. Raynolds.

Henry Jones, Jo. Watson.

The Examination of Charles Crafford of Navan in the County of Meath, Gentleman.

Ex. 27. **T**His Examinee duely sworn, deposeth *inter alia*, That the reason generally given by them for their doing, was, that they had found a Letter, wherein the *English* had resolved to hang the *Irish* at their doors, if they would not go to Church; and that therefore they would begin with the *English* first.

Jur. 22. Jan. 1641.

Charles Craffords Mark.

*Roger Puttock, Jo. Sterne,
John, Watson, Will. Aldrich.*

The Examination of John Wood of New-Rath in the County of Wicklow, Gentleman.

Ex. 28. **T**His Examinee duely sworn, deposeth *inter alia*, That these words were spoken by *Nicholas Byrne*, *James mac Cabine*, and divers other of the Rebels, that they were discontented Gentlemen; and having their Lands unjustly taken away by the Plantation, could not have any satisfaction, but by the Sword; Therefore it was their Colonell *Luke Tooles* pleasure, that all Protestants should depart the Kingdom upon pain of death: And for *Dublin* if that did stand out long with them, they made no question to burn it; but if they could take it, and not fire it, so they might have the head of my Lord *Parsons*, and three or four more of the chiefeest of the City, all the rest should fare so much the better.

And they further said, That there was an Act of Parliament in *England*, that all papists in *Ireland*, should upon pain of death, either go to Church, or be banished the Kingdom by such a day of the moneth, which as I take it, was by the 24 of *November*; And therefore they desired liberty of conscience, and to enjoy all that Land which their predecessors did formerly enjoy. For why should not they have their demands, as well as the *Scots*.

Jur. 17. Feb. 1641.

John Wood.

John Stern, Randall Adams.

The Examination of Henry Steel, Curate of Cluntubbrid.

Ex. 29. **T**His Examinee duely sworn deposeth *inter alia*, That when they were imprisoned in the Dungeon in the County Goal, (all the robbers

robbers and rogues first set at liberty) they remained there in a most miserable estate, there being in number, about forty-eight, more or lesse, where they had no roome to stand or lye.

And further deposeth, That he by God's great mercy being enlarged, his Wife yet prisoner in *Castle-Blaney*, he came away with one Master *Barnewell*, and being in a place called *Cabret*, where one Master *Fleming* liveth, whose Daughter is married to the Lord *Magwire*, he heard the servants of the house, and other *Irish* relating that this *Magwire*, and the Popish Primate, whose Sirname is *Rely*, were a long Space travelling through the Kingdom together, to perswade them all to condescend to this most inhumane Plot, and this *Rely* was then at this *Fleming's* House.

Deposed this 10. of Jan. 1641.

Hen. Steel.

Will. Aldrich, John Sterne.

The Examination of Katherine Graunt of Navan in the County of Meath, Widdow.

Ex. 30. **T**HIS Examinee duly sworn, deposeth *inter alia*, That the whole Town and Corporation of the *Navan* made good preparation for the entertainment of the Northern Rebels in Victuals and Drink for them; very many of them went to the Rebels before they came to Town, and generally all of them, met them with great joy, and welcoming of them when they came to Town.

She further deposeth, That she heard the Priest that came with the Rebels from the North, (and the Priest of the *Navan*, Master *Fay* among them, as she verily beleeveth) all charging divers of the Captains not to go back, nor come in upon the Proclamation of Pardon, that came from the State; for if they did, they were all undone.

Deposed this 5. of Jan. 1641.

Kath. & Graunts Mark.

Roger Puttock, Hen. Brereton.

The Examination of Hugh Madden, late of Kirreke, in the County of Wicklow, Gentleman.

Ex. 31. **T**HIS Examinee duly sworn, deposeth *inter alia*, That after he had been first besieged, by at least eight hundred of the Rebels, having conference with some of them, they then gave out in words, that that businesse which they had begun, they would pursue it till it were effected, and would not look for a pardon for the same, or to that effect.

Jur. 23. Feb. 1641.

Hugh Madden.

John Watson, John Sterne.

The Examination of John Right, late of Newtown, alias Castlecool, in the County of Fermanagh, Butcher.

Ex. 32. **T**HIS Examinee duly sworn, deposeth *inter alia*, That *Rory Magwire* shewed to him, and others whom he then robbed, a Parchment

ment or Paper with a great Seal affixed, which he affirmed to be a Warrant from the King's Majesty for what he did. And he further deposeth, That when he and his neighbours then robbed, complained of their miserable condition, being robbed and stripped: the said *Rory* replied, That if they were not content with what was done, they should see worse within a few days.

Jurat. Jan. 5. 1641. *coram nobis.*

John Right.

Randall Adams, John Sterne.

The Examination of George French of Karbery, in the County of Kildare.

Ex. 33. **T**His Examinee duly sworn, deposeth *inter alia*, That he demanded of the Rebels why they dealt so with *William Coleman*; to whom *Luke Brumingham* answered, That they had a Commission from His Majesty for what they did; and *Gerald Fitz Gerald* of *Carbery* aforesaid, read the Commission: that was a supposed Commission from His Majesty to take away all *Englishmens* Goods.

Jur. 1 Feb. 1641. *cor.*

John Sterne, Randall Adams.

Geo. French
his mark.

The Examination of Jane Mansfeild, lately of the Parish of Castle-Jordan, Widow.

Ex. 34. **T**His Examinee duly sworn, deposeth *inter alia*, That she coming towards *Dublin*, in her way coming to one Master *Philip Fitz-Gerald's* House, neer *Miltowne*, in the County of *Kildare*, this Deponent heard him utter these words: We are like to have great troubles, but we must all rise in Arms, and not leave an *Englishman* in *Ireland*; and that the King was on their side in the North among them.

Deposed 3 Jan. 1641.

Roger Puttock, Henry Brereton.

Jane Mansfeild.

The Examination of Henry Palner, late of Fetherd, in the County of Wexford, Bricklayer.

Ex. 35. **T**His Examinee being duly sworn, *inter alia*, deposeth, That *Dermot mac Dowling Cavanagh*, Head of the Rebels there, and his company, said to this Deponent with others, Be gone you *English Dogges*; for we do onely take your Goods now, but worse shall follow: And they went into the Church, and cut the Pulpit-cloth and the Ministers Books in pieces, and strewed them about the Church-yard, and caused the Piper to play whilest they danced and trampled them under their Feet, and called the Minister, Dog, and stript him out of his Clothes: And that they wounded severall persons that were in the Castle of *Fetherd*, and the Town there; of which, some, by reason of their wounds, cold, and want, died. And what clothes this
Deponent

Deponent had left, being but mean, coming to *Dublin*, were also taken from him : And the *Irish* denied them lodging and relief, insomuch that they were constrained to lie out of doors naked all night. And further saith, That one *Welsh* of *Killcullen* Bridge, in the County of *Kildare*, Inne-Keeper, after that this Deponent was robbed and stripped, told this Deponent, That he the said *Welsh* knew, that the King was in the North of *Ireland*, and rode disguised, and had glassen eyes, because he would not be known.

Jur. 12 January, 1641. *Coram nobis.*

Henry Palmer.

John Sterne, William Hitchcock.

The Examination of John Perkins, of Sleigkogh, in the County of Cavan.

Ex. 36. **T**HIS Examinee duly sworn deposeth *inter alia*, That they said that the King was dead, and that the young King went to *Masse*; and they were the Queen's Souldiers, and we were Traytors. And the said words were affirmed by *Cormack mac Cloney*, Parish-Priest of *Killan*.

Deposed before us, 8 Jan. 1641.

John I. P. Perkins
his mark.

Roger Puttock, John Sterne.

The Examination of Tho. Middlebrook of Leagne Caffry, in the County of Fermanagh, Yeoman.

Ex. 37. **T**HIS Examinee duly sworn, deposeth *inter alia*, That on the 26th day of *October* last, he heard *Cabell Boy mac Dermot* say, That within one fortnight they should have a new King of *Ireland* crowned one of the *o Neals*, or words to that effect : which words were spoken by the said *Cabell*, in the presence of *Alice Tibs*, this Deponents sister, and *Avis Braishaw*, wife of *John Braishaw*. And further, that he both heard that the Rebels had murdered about threescore *English* Protestants (that lived in good manner within the said Parish.) And further saith, That there cannot be so few as one hundred *English* Protestants (that lived in good manner within the said Parish) perished and dead since the said Rebels did banish and drive them from their habitations.

Deposed before us, Jan. 4. 1641.

Tho. I. Middlebrook
his mark.

Roger Puttock, Henry Brereton.

The Examination of Alice Tibs of Ringvilly, in the County of Fermanagh, Widow.

Ex. 38. **T**HIS Examinee duly sworn, deposeth *inter alia*, That she heard *Cabell Boy mac Dermot* of *Killrout*, in the County aforesaid, Yeoman, say, That *Dublin* Castle was taken, and that they could afford the *English* two or three Barrells of Powder; and that the *Irish* within one fortnight would have a new King, or Words to that effect : which Words he spake in
the

the hearing of this Deponent, *Avis Braishaw*, Wife to *John Braishaw*, and *Thomas Midlebrook*, the five and twentieth day of *October*: And did after hear another *Irishman* (whose name she knoweth not) say, That it was pity that any of the *English* or their breed should be suffered to live, for fear they should grow strong again; or Words to that effect.

This deposed before us, Jan. 4. 1641.

Roger Puttock, Hen. Brereton.

Alice UV. Tibs
her mark.

The Examination of Avis Braishaw, late of Agheruskie Moore, in the County of Fermanagh.

Ex. 39. **T**HIS Examinee duly sworn, deposeth *inter alia*, That she heard *Cabell Boy mac Dermott* of *Kilrout*, in the County aforesaid, say, That *Dublin* Castle was taken, and that they could afford the *English* three or four Barrells of Powder, and that the *Irish* would have a new King within a fortnight after: which Words, or to that effect, he spake in the hearing of this Deponent, *Tho. Midlebrook*, and *Alice Tibs*, the 25th day of *October* last.

This deposed before us, Jan. 4. 1641.

Roger Puttock, Hen. Brereton.

Avis UU Braishaw
her mark.

The Examination of Rich. Knowles of Newtowne, alias Castle-cool, in the County of Fermanagh, Yeoman.

Ex. 40. **T**HIS Examinee duly sworn, deposeth, *inter alia*, That there is one hundred of the said parishioners (that lived in good rank and fashion) since they were driven out of their habitations, and banished by the said rebellious *Irish* (being all *English* Protestants) perished and dead: And this Deponent is the rather confident that there is one hundred or more dead, by reason they dayly die in such abundance; this Deponent well knowing the said parishioners, being his neighbours; and this Deponent being a Butcher by Trade, had some dealing with the most of them.

Deposed this 10 of Jan. 1641.

John Watson, William Aldrich.

Rich. R. Knowls
his mark.

The Examination of Robert Barton of Newtowne, alias Castle-cool, in the County of Fermanagh, Blacksmith.

Ex. 41. **T**HIS Examinee duly sworn, deposeth *inter alia*, That some *Irish* Rebels neer unto *Virginia*, in the way towards *Relis*, did strip this Deponent, and said, That they had a new King, and Commission from him for what they did. And further deposeth, That he heard that Captain *Rory*, or some other of his Company, had murdered of the said parishioners, to the number of fourty, or thereabouts.

Deposed before us, Jan. 5. 1641.

Hen. Brereton, William Hitchcocke.

The

The Examination of Hugh Culme of Leitrim in the County of Monaghan, Gentleman.

Ex. 42. **T**His Examinee duely sworne, deposeth *inter alia*, That he was told that one *Art mac Machown*, who lived in the Parish of *Tebollan*, said that they which spoke *English*, should pay 10 s. to the King; the party to whom he spoke it, desired to know what King desired it, his answer was, what other King, but the Earl of *Tyrone*.

And this Deponent heard one *Thomas mac Aleares* wife, of the same County and Parish, say, that Captain *Bryan mac Mahon* of *Tebollan*, said he would hang any that would speak *English*. And heard the Priest *mac Clerey* of *Tebollan* say, that all the *English* in *Monaghan* must be hanged; I asked him why, he said, meat was scarce, and they would not be at the charge to keep us.

And heard more by very honest men, that Mr. *Cottingham* Minister of *Monaghan*, being in a Dungeon bolted, desired for Gods sake, to get a little straw to lye upon, being put to such extremitie.

And that Mr. *Richard Blaney* Justice of Peace in the County of *Monaghan*, was hanged in this manner.

Art Roe mac Bryan Sanaght of *Haslough* in the County of *Monaghan*, Marshall to the Rebels, came to Mr. *Blaney* to the Dungeon, and desired him to come out to speak with him; when he came out to him, he led him to my Lord *Blaneys* Orchard in *Monaghan*, and said to him, do you remember, how you hanged my brother, and made me flye my Country for three yeers; but I will hang you before you go, but if you will, you shall have a priest, he said no, but he desired to have Master *Cottingham*, the Minister of *Monaghan*, but they would not, but hanged him there, and flung him in a Ditch, and he was two dayes unburied.

And this Deponent heard that there was one *Luke Ward* a *Scotchman*, which had indicted a man, the quarter Sessions before this rising, the same man came to him where he was in the Goal, and carried him to an Alehouse, and made him drunk, and when he had done, carried him into the backside and hanged him, after he was cut down, they flung him into a River, and I could never hear that he was buried.

Deposed before us, Jan. 25. 1641.

Hugh Culme.

Hen. Jones, Hen. Brereton.

I heard Master *Mountgomery*, Minister, and Master *Hollis* with severall other men of good worth, report, that the Sunday before this rising of the Rebels, that there was seen a Sword hanging in the ayre, with the point downwards, the half seeming to be red, and the point turned round.

Hugh Culme.

The

The Examination of Mistresse Martha Culme, of Leitrim in the County of Monaghan.

Ex. 43. **T**HIS Examinee duely sworn, deposeth *inter alia*, That she being by the Rebels forced from her dwelling, and robbed of all her goods, she was enforced to shift from place to place, for safe-guard of her life: particularly at *William Boy Flemings* house, in the Parish of *Tebollan*, in the County of *Monaghan*, where she did hear the said *Flemming* in detestation of the cruelty of the Rebels, to relate that while *Sir Phelomy ó Neal* did lye with his forces before the *Ogber*, in the County of *Tyrone*, the *Irish* women would follow after the *Irish* Rebel Souldiers, and put them forward in cruelty, with these and such words, Spare neither man, woman, nor childe, God so pittie your souls, as you pittie them, intending those words to cruelty.

This Examinee further saith, That in the said *Flemings* house, one *Art mac Patrick mac Toole Boy mac Mahon* of the Barony of *Balline Cargy* in the said Parish, speaking to this Examinee in *Irish*, she desired he would deliver himself in *English*, for she understood not *Irish*, he answered in *English*, that such as spake *English*, should forfeit ten shillings to the King; what King saith this Examinee have we, that will not allow the speaking of *English*; what King saith he, but the Earl of *Tyrone*, she asked where the Earl was, he answered in the North, where he was landed with 40000 *Spaniards*, whereof 10000 were then with *Sir Phelim ó Neal*.

Deposed before us, Feb. 14. 1641.

Martha Culme.

Hen. Jones, Hen. Brereton.

The Examination of Elizabeth Gough, late of Ballanenagh, in the County of Cavan, Spinster.

Ex. 44. **T**HIS Examinee duely sworne, deposeth, *inter alia*, That the *Irish* purposed to have a King of their own in *Ireland*, and that *Phelomy ó Neal* should be he.

Deposed before us, Feb. 8. 1641.

Elizabeth Gough her Mark.

Henry Jones, Henry Sterne.

The Examination of Anne Gill, of Newtown, in the County of Fermanagh, Widdow.

Ex. 45. **T**HIS Examinee duely sworn, deposeth *inter alia*, That when *Rory Magwire* had taken the Church at *Newtown*, aforefaid, he the said *Rory* (in the presence and hearing of this Deponent, and a great many of his neighbours, the Kings Majesties loving Subjects) gave forth that it was to no purpose for them to fly to *Dublin* for succour, for *Dublin* was taken by the Lord *Magwire*, who was to be King of *Ireland*.

Jur. 29. Jan. 1641.

Anne L Gill her Mark.

John Sterne, William Aldrich.

The Examination of Elizabeth Vause, late of Creigs toune Loughfield in the County of Leitrim, Widdow.

Ex. 46. **T**His Examinee duely sworn, deposeth *inter alia*, That when this Deponent asked why the Rebels so robbed them, they asked again who sent you over, and being answered, that God and the King did it, they the said the Rebels, said let your King fetch you out again.

And saith further, That the said Rebels burned divers houses, and two Children, and one old Man in them; and that very many Protestants that fled for safety and succour to the Castle of Sir James Craige Knight, being neer them, were there famished, starved, and dyed, for want of means.

Jur 9. die Feb. 1641.

Eliz. Vause her mark.

John Sterne, William Hitchcock.

The Examination of Nicholas Michael, of Farnan, in the County of Cavan.

Ex. 47. **T**His Examinee duely sworn, deposeth *inter alia*, That the parties that robbed this Deponent, said they have an *Irish* King amongst them, and they regarded not King Charles the King of *England*.

Deposed before us, Jan. 15. 1641.

Nich. 3 Michaels mark.

William Hitchcock, Hen. Brereton.

The Examination of Andrew Foster, of Mocredin, alias Caryetsfort, in the County of Wickloe, Gentleman.

Ex. 48. **T**His Examinee duely sworn, deposeth *inter alia*, That the Rebels said, that they would within a week burn *Dublin*, and that neither King nor Queen should govern *Ireland* any longer, for they would govern it themselves.

Jur. 17. Febr. 1641.

Andrew Foster.

William Aldrich, John Sterne.

The Examination of Richard Witton, of Kilnane, in the County of Wickloe, Miller.

Ex. 49. **T**His Examinee duely sworn, deposeth *inter alia*, That Luke Burne Gentleman, of *Kilnane* said, he would have their religion flourish, no thanks to King or Subject.

Deposed this 11. of Jan. 1641.

Rich. Witton.

Will. Aldrich, Will. Hitchcock.

The

The Examination of Edward Taylor, late of Saint Margarets, alias Raven, in the County of Wexford, Clerk.

Ex. 50. **T**His Examine duely sworn, deposeth *inter alia*, That one *Piers Synnot*, of *Ballyvodegg*, in the said County, and his sonne *David*, and other their complices before this Rebellion burst out, did disposses this Deponent of his Goods and Church livings, into which he was long since invested by His Majesties presentation, for which abuse this Deponent impleaded some of them in this last Parliament at *Dublin*, and a little before the beginning of the said Rebellion, he shewed the said *David* an Order from the said Parliament, for this Deponents quiet enjoying his said Church Livings, and restitution of the profits thereof, by them wrongfully detained, to which the said *David Synnot* answered, That he cared not for that, and that it was no Parliament, but meet him at *Dublin* in *Michaelmas* Term next, and question him if he durst, for then they would have a Parliament of their own, in which Parliament he said, the Deponent durst not complain, or words to that effect.

Jur. 23 Feb. 1641. coram nobis.
John Sterne, Hen. Brereton.

Edward Taylor.

The Examination of Nathaniel Higginson, of the Castle of Knockballymore, in the County of Fermanagh, Gentleman.

Ex. 51. **T**His Examine duely sworn, deposeth *inter alia*, That the Rebels then said, that they had a Commission, or Broad-Seal from the King for what they did, and that when they the said Rebels had vanquished, or over-runne this Kingdom, they would go over into *England*, where they would have the assistance of *Spain* and *France*, for over-running the same.

Jur. 7 Jan. 1641. coram.
Roger Puttock, Hen. Brereton.

Nath. Higginson.

The Examination of Anne Marshall, of Castle-Waterhouse in the County of Fermanagh, Widdow.

Ex. 52. **T**His Examine duely sworn, deposeth *inter alia*, That some of the Rebels most cruelly murdered *William Marshall*, husband unto this Deponent, giving him fixe severall mortall wounds, then said, that the *Scots* were at that time sent to leave never a drop of *English* blood in *England*, and that the *Irish* now had authority, and command from the King, to leave never never a drop of *English* blood in *Ireland*.

And further deposeth, That the common speech of the said Rebels was, that they were the Queens souldiers.

Deposed before us, 3 Jan. 1641.
Roger Puttock, Hen. Brereton.

Anne Marshall.

The Examination of Jathniell Mawe, of Ferringrin, in the County of Fermanagh, Gentleman.

Ex. 53. **T**HIS Examinee duely sworn, deposeth *inter alia*, That he heard some of the *Rebellious Irish* company say, that there should not be one *Englishman*, Woman, or Childe, left within this Kingdom, and that they had the Kings Broad-Seal for what they did.

Deposed before us, Jan. 3. 1641.

Jathniell Mawe.

Hen. Jones, William Aldrich.

The Examination of Richard Cleybrook, of Ballyellis, in the County of Wexford, Farmer.

Ex. 54. **T**HIS Examinee duely sworne, deposeth *inter alia*, That he heard *Luke Toole* say, that he intended soon after to march to *Killeothery*, and take it, and afterwards to come to *Dublin*, and take the Castle there, and that he would not leave an *English* Man, nor *English* Woman in the Kingdom, but they all should be banished, and that he would not leave any *English* beast alive, or any of the breed of them.

He saith also, That he heard the said *Luke Toole* say, that he would have his own Religion settled in this Kingdom, And that he would pull the Lord Parsons Hat from his Head.

Coram me.

Ja. Ware.

Richard w Cleybrook
his mark.

The Examination of Margaret Farmeny, and Margaret Leadly, Widdows, both of Acrashaniey, in the Parish of Clowish, and County of Fermanagh.

Ex. 55. **T**HIS Examinee duely sworne *inter alia*, depose, That on the 23 day of *October* last, the Rebels in that County, to the number of an hundred, or thereabouts, robbed the Deponents of their goods and chattells, and bound their hands behinde them, urging them to confesse money. And that the said Rebels bound one of the Deponents husbands, and led, and dragged him up and down in a rope, and cut his throat in her own sight with a Skean, having first knockt him down, and stript him. And at the same time murdered 14 persons more, all *English* Protestants; the said Rebels then alleadging, That they had the Kings broad Seal to strip and starve all the *English*, and that they were his souldiers. And as the Deponents fled for succour towards *Dublin*, they were stripped on the way by the *Irish* seven times in one day, and left stark naked, being aged women of 75 yeers old: and the Rebels that saw the Deponents naked, bid them go and look for their God, and let him give them clothes.

Jur. 3. Jan. 1641.

John Sterne, Will. Hitchcock.

The

The examination of Henry Fisher of Powerscourt, in the County of Wicklow.

Ex. 56. **T**HIS Examinee duly sworn deposeth *inter alia*, That *Luke Toole*, chief of the Rebels in those parts, said, That there was landed at *Wexford* nineteen thousand of the *Spanish* Enemy: whereupon they leaped and danced for joy.

And this Examinee further deposeth, that *Bryan Lynch* of *Powerscourt*, revolted and fell from the Protestant Religion, to *Massé*; and the said *Lynch*, with severall other Rebels, entered the parish Church of *Powerscourt*, called *Staggonnell*, and burnt up Pews, Pulpits, Chests, and Bibles belonging to the said Church, with extreme violence and triumph, and expression of hatred to Religion; and this convert *Lynch* strongly laboured to have this Deponent hanged.

Jur. Jan. 25. 1641.
John Sterne, Will. Hitchcock.

Hen. Fisher

The Examination of Adam Glover of Slonofy, in the County of Cavan.

Ex. 57. **T**HIS Examinee duly sworn, deposeth *inter alia*, That this Deponent and his Company that were robbed, observed, that 30 persons or thereabouts, were then most barbarously murdered and slain out-right, and about a hundred and fifty more persons cruelly wounded, so that traces of blood issuing from their wounds, lay upon the Highway for 12 miles together, and many very young children were left and perished by the way, to the number of sixty, or thereabouts, because the cruell pursuit of the Rebels was such, that their parents and friends could not carry them further. And further saith, that some of the Rebels vowed, that if any digged Graves wherein to bury the dead children, they should be buried therein themselves; so the poor people left the most of them unburyed, exposed to ravenous beasts and fowl, and some few their parents carried a great way to bury them, after they were dead, and some were hid in bushes, that the Rebels should not find them. And this Deponent further saith, that he saw upon the highway a woman left by the Rebels stripped to her smock, set upon by three women, and some children, being *Irish*, who miserably rent and tore the said poor *English* woman, and stripped her of her smock in a bitter Frost and Snow, so that she fell in labour in their hands and presence, and both she and her childe miserably died there.

And this Examinee further deposeth, that *James ó Rely* of, or neer to the Parish of *Ballybeys*, Yeoman, and *Hugh Brady*, of or neer the Parish of *Ur-nagh*, and divers others of the Rebels, did then often take into their hands the Protestant Bibles and wetting them in the dirty Water, did five or six severall times dash the same on the face of this Deponent and other Protestants, saying, come I know you love a good lesson, here is a most excellent one for you, and come to morrow, and you shall have as good a sermon as this; and used other scornfull and disgracefull words unto them.

And

And further saith, That one *Owen Brady*, of the parish of *Armagh*, Gent being one of the principall Guard to *Philip mac Hugh mac Shane o Rely*, did take divers protestants (as they went by their Court of Guard to the Church) by the hair of the head, and in other cruell manner, and dragging them into the Church, there stripped, robbed, whipped and most cruelly used them, saying, if you come to morrow, you shall hear the like Sermon; or to that effect: with other scornfull and approbrious words.

*The mark of
Adam Glover.*

Deposed before us, Jan. 4. 1641.

Hen. Jones, Randall Adams.

The Examination of Elizabeth Tayler, wife of John Tayler of the Newtowne, alias Castlecool, in the Parish of Drumuly, and Half-barony of the Coole and County of Fermanagh, Weaver.

Ex. 58. **T**HIS Deponent being duly sworn, deposeth, That (*inter alia*) she and her said Husband, with the rest of their Neighbours, fled for the more Safety of their Lives, into the Church of the *Newtown*, being a fair Church, new built by the Inhabitants of that Parish, and there remained untill the *Monday* following, being the 25th of *October* last, when about Ten of the Clock in the Forenoon, Captain *Rory mac Quire*, Brother to the Lord *Magwire*, where they so were, came, accompanied with a great Multitude of *Irish*, to the Number of one thousand persons, and upwards; which they not being able to resist, upon his faithfull Promises that they should quietly enjoy their own, and receive no harm, they let him and his Company into the said Church; whereinto he had no sooner entred, but in contempt of God and his sacred Word, he went up into the Pulpit, and took down the *English* Bible that was there, and rent and tore the same in pieces, and he and his Company trampled the same under their Feet; and then perfidiously fell upon the *English*, and rifled and stript them naked, and turned them out of the Town, and fired and burnt the same down.

Deposed before us, Jan. 8. 1641.

Eliz. Tayler & her mark.

Hen. Jones, Hen. Brereton.

The Examination of Edward Slack of Gurteen, in the County of Fermanagh, Clerk.

Ex. 59. **T**HE Examinee duly sworn, deposeth *inter alia*, That on the 24th of *October* last, the Rebels in the County of *Fermanagh* aforesaid, took his Bible, opened it, and laying the open side of it in a Puddle of Water, leapt and trampled upon it, saying, A plague on't, this Bible hath bred all the Quarrel, and they hoped that within three Weeks, all the Bibles in *Ireland* should be used as that was, or worse; and that none should be left in the Kingdom; and also that the said Rebels burnt this Deponent's House, and after some other Rebels cut and wounded him twice in the Head.

Deposed before us, 4. Jan. 1641.

Edw. Slack.

Hen. Jones, Will. Aldrich.

The

The Examination of Edward Dean, late of Oghram in the County of Wicklow, Tanner.

Ex. 60. **T**HIS Examinee duly sworn, deposeth *inter alia*, That the *Irish* Rebels made Proclamation, That all *English* Men and Women, that did not depart the Country within twenty-four Hours, should be hanged drawn and quartered, and that the *Irish* Houses, that kept any of the *English* Children should be burned.

And further saith, That the said Rebels burned two Protestant Bibles, and then said, that it was Hell-fire that burnt.

Jur. 7. Jan. 1641. *coram nobis.*

Edw. Dean.

Roger Puttock, John Watson.

The Examination of Katherine Bellew alias Bedlew, late of Blittock in the County of Monaghan, Widdow.

Ex. 61. **T**HIS Deponent being duly sworn (*inter alia*) deposeth, That one Mistrisse *Elcock*, who being in Child-bed, was nevertheless carried away to Prison, together with the Lady *Blaney*, and her seven Children.

Jurat. 5. Febr. 1641. *coram nobis.*

The mark of the said Katherine.

Will. Aldrich, Hen. Brereton.

The Examination of John Wisedome of Ardmagh, Parish Clerk of the Cathedral there.

Ex. 62. **T**HIS Examinee duly sworn, deposeth *inter alia*, That at *Loughgall* in the County of *Ardmagh*, the *English* being promised a safe Conduct by the Rebels, from *Garrison* to *Garrison*, till they came to the next Haven, and there to take shipping for their own Country, by the Way some of them were murdered, *viz.* Master *William Fullerton*, Parson of *Loughgall*, and two or three others, as the Deponent heard, the rest which they found at *Loughgall*, and about the Country there, to the Number of eightscore Persons, which they drowned at *Port-a-Down* Bridge, as the Deponent is informed by one *William Pitchfork* that was present at their Suffering, but escaped himself, being begged by an *Irish* Rebel to be his Servant; and about the same time, they fired many in one House neer *Ardmagh*.

And this Deponent further saith, That Master *Roger Holland* related to him, that he was told by one *John Babe*, an Owner of a Boat in *Carlingford*, that Mistris *Holland* was hanged at *Carlingford*, and delivered of a Child while hanging.

And further this Examinee saith, That he was credibly informed by Master *Franklin* of *Dublin*, who came Part of the Way towards *Dublin*, in the Deponent's Company, That at the *Newry*, a Man was carried out, and so wounded,

wounded, that he was laid for dead, but after recovering, he was again set upon, and murdered, and his Wife also having her Belly ript up, and two Children fell out.

And the Examinee further saith, That at the *Corr* in the County of *Armagh*, there were drowned at once one hundred and twenty Persons, Men, Women, and Children, which the Deponent heard from Master *Holland* aforesaid.

Jur. 8 Feb. 1641. *coram nobis.*

John Wisedome.

Roger Puttock, Hen. Jones.

The Examination of Philip Taylor, late of Port-a-Down in the County of Armagh, Husbandman.

Ex. 63. **T**His Examinee duly sworn, deposeth *inter alia*, That about the 24. of *October* he was taken Prisoner at *Port-a-Down* aforesaid by *Toole mac Cann*, now of *Port-a-Down*, Gentleman, a notorious Rebel, and a Commander of a great Number of Rebels, together with those Rebels, his Soldiers, to the Number of an hundred Persons, or thereabouts; at which time the Rebels first took the Castle and victualled it, then they assaulted and pillaged the Town, and burnt all the Houses on the further side of the Water: and then the said Rebels drowned a great Number of *English* Protestants, of Men, Women, and Children in this Deponent's sight, some with their hands tyed on their backs.

And this Deponent further saith, That the Number of them that were drowned then, amounted to an hundred ninety and six Persons, as this Deponent hath been credibly informed; and the same Rebels then also threatened to shoot to death one Master *Tiffin* a zealous Protestant Minister there, and discharged a peece at him accordingly, but as it pleased God, they mist him, and at length he escaped from them.

And the Deponent further saith, That the said Rebels kept this Deponent in prison at *Port-a-Down* aforesaid, for the space of seven weeks, and set a horse lock upon his leg; but at length he got a passe from the said *Toole mac Cann*, and so got away from them: But whilst he stayed there, many poor Protestants were by the Rebels murdered in severall places about *Loughgall*. And they also that time stript off the cloaths of one Master *Jones* a Minister at *Segoe* neer *Port-a-Down* aforesaid, who afterwards escaped from them to the Town of *Lisnegarvey*.

And the Deponent further saith, That he hath credibly heard, that one Master *Fullerton* a Minister, and another in his company were also murdered by the Rebels, before the drowning of the Protestants aforesaid, and that the Rebels aforesaid killed a Dyer's Wife of *Rossetrever* at *Newry*, and ript up her Belly, she being with Child of two Children, and threw her and the Children into a Ditch, and this Deponent drove a Sow away that was eating one of the Children.

Jur. 8 Febr. 1641.

Sig. Philip Taylor.

William Aldrich, John Watson.

The

*The Examination of John Mandefield late of Miltown in the County of Dublin,
Barber-Chirurgion.*

Ex. 64. **T**He Deponent being duly sworn, deposeth *inter alia*, That some of the Rebels in that County did strike his Wife, and stab her with a Skean in the Breast, when she had a young Childe sucking on her, which Wound this Deponent, being a Chirurgion, with much Difficulty, healed.

Jur. 3. Feb. 1641. coram nobis.

Hen. Jones, Will. Hitchcock.

John Mandefield.

*The Examination of Margaret Stoaks, the wife of Hugh Stoaks late of
Clonkelly in the County of Fermanagh.*

Ex. 65. **T**He said Deponent being duely sworn, *inter alia* deposeth, That whilst she was in the said County, she heard credibly among the *Irish*, and observed by their discourses one with another, That the Castle of *Liffegoal* neer *Eniskillin* (which belonged to the Lord *Hastings*; and wherein one Master *Segrave* dwelt, was burned by the Rebels, with all the *English* and *Scots* that were therein, which were very many; and that almost all the *English* and *Scots* that dwelt in *Magberyboy*, were likewise killed and robbed by the Rebels, and that there was a woman, who when the said Castle was a fire, let down through a Window her young childe whom she gave suck unto, and after leapt out of the Window herself, which the Rebels observing, presently killed the said woman, and the next morning finding the young childe alive; sucking the dead mothers breast, they cruelly murdered the childe.

This Deponent further saith, That as she was coming on the way to *Dublin* at *Ballybayes*, she heard for certain, that handicraftsmen and tradesmen and others of the *English* that were remaining at *Belturbart*, were killed and murdered by the Rebels, about the last of *January* last past; and the Rebels hanged the men, and drowned the women and children.

The Deponent further saith, That when the Rebels, or any of them had killed any *Englishman* in the Country, many others of them would come one after another, and every of them would in most cruell manner, stab, wound, and cut him and almost mangle him, and to shew their further malice, would not suffer, nor permit any to bury them, but would have them to lye naked for the dogs, beasts, and fowles of the aire to devoure them.

The Deponent further saith, When they had so killed the *English*, they would reckon up and accompt the number of them, and in rejoycing and boasting manner would often say, That they had made the divell beholding to them in sending so many souls to him to hell.

The Deponent likewise saith, *inter alia*, That as she was coming towards *Dublin* about *Dunshaglin*, the Rebels that were in *Garrison* there, said unto

her, That if they thought she and her children, had but one drop of *English* blood in them, they would kill both her and her children.

Jurat. coram.

Gerrardo Loutber.

Margaret Stoakes.

The Examination of Mary Woods late of the Town and County of Kildare, Widdow.

Ex. 66. **T**His examine being duly sworn and examined, *inter alia*, saith That since the beginning of this present rebellion, she hath been stripped and robbed of her goods by the Rebels in those parts, since which time the bodies of severall deceased Protestants buried in the Church there, were taken up, and thrown away into filthy places, exposed to be devoured of dogs, and other beasts, which was done partly by the commandment or direction of *James Dempfie* a priest, *Peter Sarsfield*, *Thomas fitz Gerald*, *James Flatisbury*, and *Iohn Leighe* Esquires, and others, whom she knoweth not.

And further saith, That the said Rebels and others about that Town, did of late first strip her husband of cloaths, and after stabbed him, and after that shot him, and last of all most barbarously buried him alive, where he remained with earth upon him above an hour before the breath went from him.

Jur. 23. Feb. 1641. Coram nobis.
John Watson, John Sterne.

Sig: prae: Anne Woods.

The Examination of Thomas Huetson of the Town and County of Kildare.

Ex. 67. **T**His Deponent being duely sworn, and examined deposeeth, That (*inter alia*) about a moneth, or three weeks since, one *Iohn Courtis* of *Kildare* aforesaid, Weaver, and *Martin Courtis* his sonne, *Walter White*, of the same labourer, *Bonaventure Berry* of the same town, the reputed son of *Will. Berry* of the same town, a popish Priest, and *Tho. Berry* of *Kildare* aforesaid, neer kinsman to the said Priest, and divers other Rebels of the *Irish*, did in the Cathedral Church of *Kildare* aforesaid, dig the graves of *Dominick Huetson*, this Deponents brother who had been buried about 20 months before; and *Christian Huetson* the Deponents Grandmother, who had bin buried about a week before, and took their Corps out of the same Graves, and Church, and laid them both in a hole which they digged up for that purpose, within a Garden, out of the walls of the Churchyard; which was done by the command or procurement of *Rosse mac Geogbegan* titular Bishop of *Kildare*, *James Dempfie* the popish Vicar generall there, the foresaid *William Berry* Priest, *Dominick Dempfie* guardian to the Fryars there, *James Flanagan* a Fryar, *Bryan ô Gormooley* a Fryar, and other Fryars, whose names he now remembreth not.

And the Deponent also saith, that the said *Berry* the Priest brought this Deponent before the said Titular Bishop, and informed him, that the Deponent

ponent was looking at the Church Window when the Corps of his said Brother, and Grandmother were taking up, and that he there writ down the names of those parties that so took them up, and so desired to know what must be done with this Deponent; who answered, That if he found that report to be true, or that this Deponent should do any thing against their Catholike cause, he would imprison and hang him.

And this Deponent further saith, that the parties above named with divers others of the Town of *Kildare*, said, that they could not sanctifie, nor hallow the said Church of *Kildare*, untill the Heretikes bones were removed out of it.

Jur. 15. Feb. 1641.

Thomas Huetson.

Roger Puttock, William Aldrich.

The Examination of Rebecca Collis, late of the Town and County of Kildare.

Ex. 68. **T**HIS Deponent being duly sworn and examined, deposeth, That since the beginning of this rebellion, she and her husband have been robbed and despoiled of their goods by the Rebels in those parts. And further saith, That about *Christmas* last, the titular Bishop of *Kildare*, the *Guardian*, and other priests and Friars there did take away the Chapter-Chest belonging to the Cathedrall Church of *Kildare*, and did cause the same to be carryed to the house of *Peter Sarsfeild* of *Tully* Esquire. And shortly after a consultation had amongst the said *Peter Sarsfeild*, *James Flatisbury*, *Thomas Fitz-Gerald*, *John Leigh*, Esquires, *James Dempfie*, Vicar-generall to the said Titular Bishop; By whose directions or command, the dead bodies of divers deceased Protestants were digged out of the Church of *Kildare*, and cast into a filthy ditch, to be devoured by beasts and dogs.

Jur. 23 Febr. 1641. coram nobis.

Rebecca Collis,

John Sterne William Aldrich.

The Examination of Margaret Parkin of Newtowne, in the County of Fermanagh, widdow.

Ex. 69. **T**HIS Deponent being duely sworn and examined, deposeth *inter alia*, That by the information of divers credible persons, she understood that the Rebels boyled a young childe to death in a great Kettle, in the Church at *Newtown* aforesaid.

Jur. 19 Ian. 1641.

Margaret Parkin.

Roger Puttock, William Aldrich.

The Examination of Elizabeth Bairsee of Newtown, in the County of Fermanagh.

Ex. 70. **T**HE Deponent being duely sworn, (*inter alia*) deposeth, That she was credibly informed by a great number of people of *New-*

A a a 2

town

town aforesaid, That about the 23 of October last, or since, the Rebels did boyl a childe of one *Iohn Strettons*, about 12 years old, to death.

Jur. 19. Jan. 1641.

Elizabeth Bairsee.

Roger Puttock, Iohn Stern.

The Examination of Henry Boyne late of Mullaghtean in the County of Tyrone Clerke.

Ex. 71. **T**HIS Deponent being duely sworne, deposeth *inter alia*, And further saith, That as he was come to his own house, he found there an *Irish* woman that was come (out of good will) from *Donaghmore* about sixe miles distant from his said house, to tell the Deponents wife, That it were best for the Deponent to be gone, least he might be killed (for as the said woman related) the Rebels there had cut of one Master *Madders* head a Minister, and that their chief malice was against Church-men.

Jur. 16. Febr. 1641.

Henry Boyne.

Roger Puttock, Iohn Sterne.

The Examination of Elizabeth Trafford, late wife of Thomas Trafford, late Vicar of Ballincormock in the County of Longford, Clerk.

Ex. 72. **T**HIS Deponent being duely sworn, deposeth (*inter alia*,) That since the beginning of this rebellion, the Rebels in those parts robbed and stript her, and her said husband of all their goods and cloaths: And then one of the Rebels called *Iohn Raynolds*, stabbed her husband with a sword, whereof he lay languishing three houres, and then the Rebels stabbed him into the throat, and wounded him in the head, so that he dyed, and then turned her and her poor children naked away, exposed to hunger and cold. And at the same time, The said Rebels or some of them, stabbed and killed one *Francis Marshall* Merchant, *Matthew Baker* Vintner, *Iohn Smith*, *Thomas Allen*, *Iohn* a Butcher, and another who was a Sadler, another that was a Millner, and by report divers others.

And further deposeth, That the Rebels said, that it was the Kings pleasure, that all the *English* should be banished, and loose their goods, because the Queens Priest was hanged before her face.

Jur. 8. Ian. 1641. Coram.

Eliz. Trafford.

Henry Iones, Iohn Watson.

The Examination of Margery Sharp, late Wife to John Sharp of Kells, in the County and Diocesse of Meath, Minister of God's Word.

Ex. 73. **T**HIS Deponent being duly sworn and examined, depose *inter alia*, That her said Husband was by the Rebels in those Parts wounded

wounded, that he was deprived of his Life; but in such a blessed manner, that God gave him strength to pray unto him, and to expresse himself; and being ready to die, another company of *Irish* Rebels came and wilfully murdered him in the same place where they found him, being coming towards *Dublin* to seek for refuge: And after breath was departed from him, this Deponent sought to have him buried in Christian Buryall, which the Portreiffe or Suffraigne of the *Navan* would not admit, but sent to cause the Grave to be made in the same place where he was murdered. And further saith, That before her said Husband was murdered, he carryed away, for fear of the Rebels, a good Number of his best Divinity Books, and divers Bonds, Specialties, and Writings. And she further saith, That the souldiers under the command of the Rebel Capt. *o Rely* meeting with him, stripped him of all his clothes, and inforced him, being naked, to trample and tread upon his said Books and Papers in the Water to spoil them, and then the said Rebels threw them away, and tossed many of them in the Winde.

Jur. 29 Jan. 1641.

John Sterne, William Hitchcock.

Sign. præd. Margery.

The Examination of Reynold Griffith, late of Tandergee, in the County of Armagh.

Ex. 74. **T**His Deponent being duly sworn, deposeth *inter alia*. And further saith, That neer the *Newry* severall Rebels took from this Deponent's Wife a Childe of hers of 14 yeers of age, and drowned it in a Bog or Pit, and held it down before her Face with a Sword whilest the said Childe was a drowning.

Jur. Jan. 6. 1641.

John Sterne, Hen. Brereton.

Reynold Griffith, and Eliz. his Wife.

The Examination of Charles Campbell, late of Shamulloghe, in the Parish of Clonniffe, in the County of Monaghan, Gentleman.

Ex. 75. **T**His Deponent being duly sworn and examined, deposeth *inter alia*, That the said Deponent likewise, whilest he was amongst the Rebels, observed these severall passages ensuing, *viz.* First, the burning of the Castle of *Lisgowle* in the County of *Fermanagh*, containing the Number of seven score persons, men, women and children, whereof none escaped death, except one man who was taken prisoner; which cruelty severall of the *mac Mahons*, and *mac Guires* did confesse to this Deponent; one *Cassedy* a Frier, being the chief instrument thereof. Another priest also, one *Philip mac Enany* told this Deponent, that it was no sinne to kill all the Protestants, for that they were all damned already. And the said Deponent was an ocular witness of the hanging and killing of thirty persons in one day, at *Clonniffe*, by *Patrick oge mac Rosse mac Guire*, *Rory mac Mahon*, *Patrick mac Aperson o Connelly*, and severall others, the said Deponent being likewise upon the Ladder, with

with a Wyth about his neck, ready to be cast off, but delivered by the intercession of the said *Rory mac Mahon* and his Wife: Afterwards this Deponent, with *Robert Aldrich*, and *Matthew Brown*, being then prisoners with the said Deponent, were sent unto the Siege of *Drogheda*, by Captain *Rory mac Mahon* his Wife, conducted by an hundred Rebels, or thereabouts, where they remained for the space of three Weeks, untill this Deponent's escape: In which time aforesaid, one *Ever mac Mahon*, brother to Captain *Redmond mac Mahon*, told this Deponent, That there was not a *Roman Catholique* in *Ireland*, that could dispend ten pounds *per an.* but was accessory to the rebellious plot. This Deponent likewise heard severall of the *mac Mahons* affirm, That the Earl of *Antrim* was also guilty of the said plot. And this Deponent was credibly informed, that with Sir *Phelim ô Neal* were conversant the Lord of *Gurmanston*, the Lord *Nettervyle*, the Lord *Lowth*, with many other the chief Gentry of the *Pale*; and did see the Lord of *Dunsany* frequent the said Rebels company; and that the Counties of *Meath* and *Lowth* did furnish the Rebels there, with all sorts of Victualls, and such necessaries.

Jur. 2 Martii, 1641.

Ch. Campbell.

John Sterne, William Hitchcock.

The Examination of Alexander Creighton, late of Glasloghe, in the County of Monaghan, Gent.

Ex. 76. **T**HIS Deponent being duly sworn and examined (*inter alia*) deposeth. And further saith, That when he this Deponent was so robbed by the Rebels, they imprisoned him and his brother-in-law, *Andrew Lesk*, *Alexander Bailie*, *James Anderson*, *John Mewhead* his son, *Alexander Ballengall*, and his son *William*, and kept them there in *Glaslogh* Castle for 14 dayes, or thereabouts, in great misery, neither suffering their Wives or Friends to come and bring them relief: From thence the Rebels sent them to the Gaole of *Monaghan* for 14 dayes more, where they were in no lesser misery than before: From thence they were sent back to *Glaslogh* aforesaid, and there *Art mac Bryan ô Samogh mac Maghan*, did gather all the whole *British* prisoners, aswell those afore-named, as others, to the Number of twenty-two or thereabouts, and sent them to *Corbridge*: But in their going, another Company, by the direction of the said *Art mac Bryan*, way-layd them, and slew sixteen of them, and the next morning murdered forty-six more *English* at *Corbridge* aforesaid; where this Deponent escaping with his Life, was admitted to go to Sir *Phelim ô Neal*, who gave him a Protection for himself, his Wife, and Childe. And then this Deponent heard the said Sir *Phelim* say, That he would make no man account for what he did, and that he had his Majesties Commission for what he did, under the great Seal of *England*. And being asked who did put up Master *Richard Blany*, Senescall to the Lord *Blany*, and one of the Knights of the Shire, to death, because it was reported that one *Art mac Bryan ô Samagh mac Maghan* put him to death; he answered, Let not that Gentleman be blamed, for my Hand signed the Warrant for his hanging, for the persecuting of my cousen *ô Rely*. And further saith, That there

there were killed by the Name or Sept of the *ô Hughes*, twelve Families of Men, Women, and Children of *English* and *Scotish* Protestants; and that *Edmond Boy ô Hugh*, Foster-brother to the said Sir *Phelim ô Neal*, did at *Kinard*, at the entry of the said Sir *Phelim's* Gate, shoot to death, with a brace of Bullets, behind his Back, the Lord *Cawlfeld*: And that Night after killed seven Families of *English* Men, Women, and Children that lived on the Land of the said Sir *Phelim*. And as this Deponent hath heard, there were above twenty Families slain betwixt *Kinnard* and *Armagh* by the Rebels: And after the repulse given at *Lisnegarvy*, *Shane oge mac Canna*, and a Company of Rebels under his Command, marched thorow all the Barony of *Trough*, in the County of *Monaghan*, and murdered a great Number of *British* Protestants; amongst others, Ensign *Peirce*, Gentleman, *Ambrase Blany*, Gentleman, *William Challengwood*, Gentleman, and *William* his Sonne; *David Draynan*, Gentleman, *Andrew Carr*, Weaver, *John Lasley*, Labourer, and his Wife.

And this Deponent heard it credibly reported amongst the Rebels at *Glaslogh* afore said, That *Hugh mack ô Degan mac Guire*, a priest, had done a most meritorious act in the parish of *Glanally*, and County of *Fermanagh*, in drawing betwixt 40 and 50 of the *English* and *Scottish* there to reconciliation with the Church of *Rome*, and after giving them the Sacrament, demanded of them whether Christs Body was really in the Sacrament or no; and they said, Yea. And that he demanded of them further, Whether they held the Pope to be supreme head of the Church, they likewise answered he was; And that thereupon he presently told them they were in a good faith: and for fear they should fall from it, and turn hereticks, he and the rest that were with him, cut all their throats.

And this Deponent further saith, that the wife of Master *Luke Ward* told him, that the Rebels had forced her husband to be drunk in drinking of his part of 3 s. in drink; and that they when he was so drunk, hanged him: and she shewed this Deponent the place where he was executed.

And saith also, that the Rebels pulled up, and took away the seats in the Church of *Monaghan* up to the Quire and carried them to the Goal, and made fires with them for the Friers; And that the Rebels did at *Glaslogh* afore said, burn two or three Bibles or Service-Books; and heard them say, they would never lay down Arms till their Church were put into its due place, and that all the plantation lands were given to the right owners; and that if they had once gotten the City of *Dublin* taken, they would hold it no Rebellion to follow the Kings sword, in doing any act they pleased: And this Deponent heard *Brian ô Hugh*, Priest to the said *Phelim ô Neale* say, That they had fifteen hundred thousand of the *Irish* blood, to maintain their Wars begun: and the said *Alexander* further deposeth, that about the beginning of *Feb.* last, one Ensign *William Pew* of *Glaslogh* in the County of *Monaghan*, being stripped, robbed, and expelled by the Rebels, was seven times in one day taken up and hanged on a tree, and taken down again for dead every time by *Patrick Duff*, *mac Hugh*, *mac Rosse*, a Captain of the Rebels near *Monaghan*: which cruelty was practised by the instigation of *Patrick Mother mac Wade*, who had informed, that the said *William Pew* had monies; the confession

fession and knowledge whereof was intended to be extracted by the foresaid hard usage.

Jur. primo Martii, 1641.

Alexander Creighton.

John Sterne, William Hitchcock.

The Examination of Roger Holland of Glaslogh, in the County of Monaghan.

Ex. 77. **T**He Examinee duly sworn deposeth *inter alia*, That during his imprisonment, he was credibly informed, that there were 38 persons, Men, Women, and Children drown'd, being thrown over into the River of *Corr Bridge* in the County of *Armagh*; and also saith, That Sir *Phelim ô Neale*, under pretence of sending a Convoy with many of the *English* of *Logh gall*, and thereabouts, the said Convoy did drown at the Bridge of *Pontie Down*, 68 Persons, as he is credibly informed: And likewise, that he did see 14 or 15 kill'd by the *Irish* as he passed in the Country.

And further saith, That Friar *Malone*, when this Examinee arrived at *Skerries*, that his Company shot one shot at the Vessel; and that the said Company asked whether we had a *Passé* or not, which we told them we had; whereupon they replied, That if we had not, we should all suffer: But so soon as we shewed them our *Passé*, they made much of us, and told us that we should take no hurt; which they performed the next day, being Christmas-day.

The said Friar took a boat, to go to the boat, to see whether there were a leak in our Vessel or not, and searching for the leak, he found some Bibles, and other Prayer-Books, which said Books he cast into the fire, and wished that he had all the Bibles in Christendom, and he would serve them all so, and demanding of him what was the reason, he answered, That it was fitting for every man to have the Bible by rote, and not to misinstruct them which should have it by rote: and the said *Roger* sitting by him alone, demanded of him, what might be the reason of their going out in such manner, as in killing and robbing the *English*, and perswading him to make peace; he replied, unlesse all men that had estates lost, by the Kings giving them unto great men, that were little worth in former times, unlesse they had their estates given under the Kings Broad-Seal, that they would never yield; And withall, that if they had not the Duke of *York* for their Governour and Ruler in this Kingdom, and to be a Papist, they would never yield as aforesaid. And further said, That they would have the whole Kingdom to themselves, and that they have been about this plot this seventeen yeers past, but never had so fit an opportunity as now they had.

And the said *Roger* saith further, That being in company with Colonell *Plunket* at *Newry* and *Carlingford*, the said Colonell told the said *Roger* and many others, that this said plot was for these seventeen yeers past in plotting, and that the said Fryar *Malone* and himself, and one of the Lord of *Trimbortons* sonnes, which is a Fryer, with many others of the Nobility of the *Pale*, and in the North, knew it of long time, but that others of the Nobles knew not of it, but of late; but as for the rest they have known of it

it the space and yeers aforesaid: And that they said they would have their Religion or not any, or else that they would loose both their lives and estates, for in strength they were able enough, for he said all the *Irish* would not fail, but stick close to them, for they fought for God and their Country, for certain they knew that their cause was just, and that God would not see them suffer, and that they were sure of *Dublin*, for there was not any thing done, but that they had such friends, that they heard out of *Dublin* every day; and as for Sir *Phelomy o Neil* he made no accompt as he said, of all *Ireland* to be his own, and others, for that was their intents.

And further saith, That at *Carlingford*, when the foresaid *Roger* was there three or four dayes, Sir *Con Magenis* sent his Warrant, to send away all such prisoners as came from *Newry* over to *Green-castle*; which Warrant was directed to one *Jo. Babe*, Provost-Marshal, directed by Sir *Con Magenis*: which Provost-Marshal, according to his direction, sent them away: which prisoners were sent, for the releasing of some prisoners that were taken at *Down-Patrick*: but no sooner came the foresaid prisoners unto *Green-castle*, but they were all cut off: and the next day following, the said Sir *Con Magenis* sent a Convoy with all such prisoners as were there left; and what became of them, this Examine cannot tell.

And further saith, That an owner of a Boat in *Carlingford* told him, that one Mrs. *Holland* was hang'd; and as she was hanging, was delivered of two children; and further cannot say.

Jurat. this 4 of March, 1641.

William Aldrich, Hen. Brereton.

Roger Holland.

The Examination of George Cottingham, Parson of Monaghan.

Ex. 78. **T**HIS Examine duely sworn, deposeth *inter alia*, That about the 30 day of *October*, this Examine, with most of the *English*, was cast into the Dungeon, which was a place of that noysomenesse, by reason of great heaps of mens excrements, that had been there a long time, that they were almost stifled; the Dungeon was so little, and the people so many, being some forty eight persons, that they were fain to lie one upon another; so that the Examine, after he had been some seventeen dayes, sometimes in the Dungeon, sometimes in the Goal, got such a looseness, with cold and hard lodging, that he was not able to go, but as he was carried betwixt men. During their continuance in this miserable restraint, no meat was allowed the prisoners by the Rebels, neither would they scarce suffer either their wives or friends to see or speak with them; but oftentimes, both in the night and day, severall of the Rebels came to the prisoners with Swords, and Skeans drawn, with Pistolls cocked, to the great terrour of the prisoners; and some came often and searched them; and if they found any silver, either more or lesse, they took it from them, and stripped them of their clothes, in the very Dungeon, and left many almost naked, with few or no rags to cover them: And when these prisoners were set at liberty, soon after many were murdered with Skeans, some drowned, and some hanged: Master

Richard Blaney, who was prisoner in another place, being bolted with Irons, was taken forth suddenly, and hanged, and cast into a kinde of a Boggie place, without Buriall, stark naked. The same day one Master *Luke Ward* was taken and hanged in the same Town of *Monaghan*, in the beginning of the night, and was never told he should die; but being taken by one *Patrick oge ó Connelley*, was brought into a house in Town, and there *Patrick* gave him worth 12d or more of drink, as though no hurt were intended, presently went to the back-side, and called out the said *Luke Ward*, and with others of his company laid hold on him, and hanged him, and after threw him into a little River, where he lay naked and unburied: The next morning many of those that were let out of prison, being almost starved and famished, were murdered with Skeans, and others drowned: Master *Oliver Peirce*, Ensigne to the Lord *Blaney*, murdered with Swords and Skeans; Master *John Francis*, *Edward Lewis*, *Richard Bollard*, and *William Jones*, murdered with Skeanes and Swords; and many others pursued, who escaped that night: *Thomas West* was never heard of since. A poor *Englishman* unknown came stragling to the Town, having escaped from some other place, was hanged.

Some of those that were imprisoned, were sent out of the Towne of *Monaghan*, to *Glaslough*, where they had lived formerly; and there they, with others, to the number of forty, were cast into a River at the edge of the County, men, women, and children: In the mean time, so many escaped were in great misery and fears, dayly hearing, that not an *Englishman*, woman, or childe should be left alive; that there was the like stirre in *England* and *Scotland*; and that never a Protestant must be suffered to live in any of the three Kingdoms; and that the Seas were full of *Spanish* and *French* Shipping; and that all the *Irish* in other parts, were coming homewards to help to subdue the *English* in *Ireland*, and then they were to be in *England* before *May* for the same purpose; and the like to be done in *Scotland* also: It was usually reported that none must bear rule in *Ireland*, but only the Natives; and that all the Lands which were enjoyed by any of the *British*, must forthwith be taken from them; which was accordingly done in all parts hereabouts.

It was frequently noysed and reported, That the Kings Majesty was dead, or not to be had; and that there was a Crown consecrated for some other that should deserve it best; and when afterwards it was reported His Majesty was in *England*, it was said that Sir *Pbelim ó Neal* was made Generall by his Majesties appointment; and that there were others that had command by the same appointment.

We dayly heard of most cruell murders of prisoners on all sides of us, besides what we saw committed in our own Town: in some places neer were hanged sometimes 17, sometimes 22 at a time; as at *Clownish*, and *Carrick mac Roffe*. And within seven miles were murdered some 25 men, women, and children in the night; and every hour we expected the like usage, being often threatned that not any *English* should be left in *Ireland*. Convoys were sent with many, pretending to bring prisoners safe to such places as they were desired to go, and were most pitifully murdered and drowned by the way
by

by such as convoyed them, others were turned out without any Convoy, and so murdered.

About six weeks since, I, my wife, and four small children, with some other *English*, were turned out of the Town of *Monaghan*, about three of the Clock in the afternoon, the Drum beating, and *Art Roe mac St. Patrick mac Art Moyl*, who is chief Governour there, went before, and declared that we must be gone forthwith, and not suffered to return, on pain of death; when we were assured, that not past a quarter of a mile before us, there were men with Swords and with Skeans, lying in wait to murder and strip us, of which we were fully assured; but it pleased God we escaped that time, by means of one *Bryan mac Hugh mac Rosse mac Mahon*, about a week after we had leave to come as far as within a mile of *Drogheda*, called *Bewley*; neer unto which place are encamped many Rebels, which came from towards *Monaghan*, and other places of the North; at which place *Sir Phelim o' Neal* was, where might be perceived by the Speeches of the Rebels, that they were very confident to take *Drogheda*, and *Dublin*, but during this Examinates remaining there, were driven off the Walls, which they assayed to assault with scaling Ladders, on *Sunday* last was a fennight, in the morning before day, and many praised be God, run from the Walls, and left some of their Muskets and Pikes behinde them, as they related amongst themselves, from thence this Examine was sent into *Drogheda*, and a Prisoner released thence for him, and from thence is gotten to *Dublin* by Sea, with his Wife and four small Children, neer famished and starved, being left quite destitute of all relief for the present.

Jurat. Martij 4. 1641.

Hen. Jones, Will. Aldrich.

George Cottingham.

And whereas the sufferings of the loyall Subjects of this Kingdom of Ireland, do consist as in the cruelties exercised on the Persons, so in the spoiling and robbing them of their Estates, Fortunes, and Livelyhoods, whereof the said severall Commissioners, do authorize, and require a striēt Inquiry to be made. And whereas in the foregoing Remonstrance, Depredation of the Goods of the Subjects, is one Part of the Charge laid to these Rebels, and humbly offered by the Remonstrants to be considered of by the Honourable House of Commons in England.

They the said Remonstrants and humble Petitioners, for the fortifying of that their Allegation, do here withall present the generall Summes of such Counties, as have answered to that Particular from the 30. of December last past, untill the 8. day of March, 1641. The whole amounting unto above six hundred thirty five thousand three hundred seventy five Pounds, four Shillings and Ninepence; the Persons thereunto appearing, being in all hitherto examined but six hundred thirty-seven: whereas this by the following Considerations may be readily conceived hardly to be the five hundredth Part of the full Losses of the whole Kingdom.

I.

For first, Out of the whole Province of *Munster*, containing these following large and rich Counties, viz. *Tipperary*, *Limerick*, *Cork*, *Kerry* and *Clare*, no one hath yet appeared.

II.

Out of the whole Province of *Connaght*, containing these Counties, *Roscommon*, *Mayo*, *Galway*, *Sligo* and *Leitrim*, there have only eleven out of *Leitrim* given in their Losses, being 1352 l. 4 s. 8 d.

III.

Out of the Province of *Ulster*, these alone have appeared themselves, viz.

		l.	s.	d.
Out of	<i>Lowth</i> , 6. Examinates	4332	01	04
	<i>Cavan</i> , 113. Examinates	47418	07	00
	<i>Fermanagh</i> , 94. Examinates	26947	10	08
	<i>Armagh</i> , 8. Examinates	03802	12	08
	<i>Tyron</i> , 2. Examinates	01667	00	00
	<i>London-Derry</i> , 1. Examine	01911	00	00
	<i>Monaghan</i> , 31. Examinates	36181	00	08
Their Losses				

None appearing out of the Counties of *Down*, *Antrim*, or *Donegall*.

IV.

Fourthly, For the Province of *Leinster*, the Number of the Examinates is as followeth,

		l.	s.	d.
In the	County of <i>Dublin</i> , 72. Exam.	120032	15	03
	County of <i>Kildare</i> , 57. Ex.	098967	17	04
	County of <i>Wicklow</i> , 65. Ex.	132457	14	02
	County of <i>Wexford</i> , 38. Ex.	062519	12	04
	County of <i>Catherlagh</i> , 16. Ex.	010270	01	08
	County of <i>Kilkenny</i> , 5. Ex.	008312	00	00
	County of <i>Meath</i> , 46. Exam.	033678	14	03
	County of <i>Westmeath</i> , 7. Ex.	003512	12	00
	<i>Kings County</i> , 9. Examinates	011525	04	08
	<i>Queens County</i> , 14. Exam.	018884	15	09
	County of <i>Longford</i> , 28. Ex.	016440	10	08
Their Losses				

V.

Fifthly, Of those Counties that have come in, one being considered with another, not the five hundred Part hath appeared, there being of them,

1. Many imprisoned, or besieged by the Rebels.
2. Many gone into *England*, before the beginning of this Commotion, and since.
3. Multitudes murdered, and none hitherto appearing for them.
4. Many

4. Many thousands, by reason of the Danger of the wayes, not daring to appear.
5. Many being sick and weak, by reason of their Sufferings, so not able to appear.
6. Many there are who (in time) purpose to give in the particulars of their Losses, but for the present forbear being in many respects not prepared for the doing thereof.
7. Lastly, Of such as have given in their Particulars, few can depose to the full of their Losses, wanting the Help of their Papers torn from them, or of their Agents, who could inform them of their Estates, they being remote in the Country, and there imprisoned, or besieged, or by reason of the danger of the Wayes, not daring to adventure from such Places of Safety, as they have betaken themselves unto, if perhaps they have not altogether perished by the Hand of the Enemy.

The same Consideration may also induce any to beleieve that of the other Particulars in the said Remonstrance, either for Words blasphemous against God, impious against Religion, or traitorous towards His sacred Majesty, or for Actions, wicked, cruell, or barbarous, or for discovery of the Minds and Intents of these Conspirators, and their Adherents, the least part hath been set forth in the said Remonstrance, and Examinations thereunto annexed; and yet that alone is sufficient, and more than enough to set forth the miserable Condition of the poor distressed Church, and miserable wasted Kingdom of Ireland.

Of all which we the Commissioners aforesaid, do herein give up a true Report, attested under our respective Hands this seventh of March, 1641.

*Hen. Jones,
Roger Puttock,
John Watson,
John Sterne,
William Aldrich,
Randal Adams,
William Hitchcock,
Hen. Brereton.*

MURDER

MURDER WILL OUT: Or, the **KINGS LETTER**, justifying the **MARQUESS** of **ANTRIM**, and declaring, That what he did in the *Irish* Rebellion, was by Direction from his Royal Father and Mother, and for the Service of the Crown.

Be astonished, O ye Heavens, at this, and be ye horribly afraid, be ye very desolate, saith the Lord, Jer. 2. 12.

For there is nothing covered that shall not be revealed, nor any thing hid which shall not be known, or come abroad, Mat. 10. 26.

Ireland, Aug. 22. 1663.

Ever honoured Sir,

LAST Thursday we came to Tryal with my Lord Marquess of *Antrim*, but according to my Fears (which you always surmised to be in vain) he was by the King's Extraordinary and Peremptory **LETTER** of Favour restored to his Estate, as an *Innocent Papist*. We proved Eight Qualifications in the *Act of Settlement* against him, the least of which made him incapable of being restored as *Innocent*. We proved,

1. That he was to have a hand in surprizing the Castle of Dublin, in the year, 1641.
2. That he was of the Rebels party before the 15th of September, 1643. which we made appear by his hourly and frequent intercourse with Renny O Moore, and many others; being himself the most notorious of the said Rebels.
3. That he entered into the Roman-Catholick Confederacy before the Peace in 1643.
4. That he constantly adhered to the Nuncio's Party, in opposition to his Majesties Authority.
5. That he sate from time to time in the Supream Council of Kilkenny.
6. That he signed that execrable Oath of Association.
7. That he was commissioned, and acted as Lieutenant General, from the said Assembly at Kilkenny.
8. That he declared by several Letters of his own penning, himself in conjunction with Owen Ro Oneale, and a constant opposer to the several Peaces, made by the Lord Lieutenant with the Irish.

We were seven hours by the Clock in proving our Evidence against him, but at last the King's Letter being opened, and read in Court, *Rainsford*, one of the Commissioners, to us, That the King's Letter on its behalf was Evidence without Exception, and thereupon declared him to be an *Innocent Papist*.

This Cause (Sir) hath (though many Reflections have passed upon the Commissioners before) more startled the Judgments of all Men, than all the Tryals since the beginning of their sitting; and it is very strange and wonderful

derful to all of the *Long Robe*, that the King should give such a *Letter*, having divested himself of that Authority, and reposed the Trust in the Commissioners for that Purpose: And likewise it is admired, that the Commissioners having taken solemn Oaths, *To execute nothing but according to, and in pursuance of the Act of Settlement*, should, barely upon his Majesties Letter, declare the Marquess *Innocent*.

To be short; there never was so great a Rebel, that had so much favour from so good a King: And it is very evident to me, though young, and scarce yet brought upon the Stage, that the consequence of these things will be very bad; and if God of his extraordinary Mercy do not prevent it, War, and (if possible) greater Judgments, cannot be far from us; where Vice is patroniz'd, and *Antrim*, a Rebel upon Record, and so lately and clearly proved one, should have no other Colour for his Actions but the Kings *own Letter*; which takes all Imputations from *Antrim*, and lays them totally upon his *own Father*.

Sir, I shall by the next, if possible, send you over one of our Briefs against my Lord, by some Friend: It's too large for a Pacquet, it being no less in Bulk than a Book of Martyrs. I have no more at present, but refer you to the *King's Letter*, hereto annexed.

CHARLES R.

Right Trusty and Well-beloved Cousins and Counsellors, &c. We greet you well. How far we have been from interposing on the behalf of any of our *Irish* Subjects, who by their Miscarriages in the late Rebellion in that Kingdom of *Ireland*, had made themselves unworthy of Our Grace and Protection, is notorious to all Men, and We were so jealous in that particular, that shortly after Our return into this Our Kingdom, when the Marquess of *Antrim* came hither to present his Duty to Us, upon the Information We received from those Persons who then attended us, by a Deputation from Our Kingdom of *Ireland*, or from those who at that time owned our Authority there, that the Marquess of *Antrim* had so misbehaved himself towards Us, and Our late Royal Father of blessed Memory, that he was in no degree worthy of the least Countenance from Us, and that they had manifest and unquestionable Evidence of such his guilt. Whereupon we refused to admit the said Marquess so much as into Our Presence, but on the contrary committed him Prisoner to our Tower of *London*; where after he had continued several Months under a strict Restraint, upon the continued Information of the said Persons, We sent him into *Ireland*, without interposing the least on his behalf, but left him to undergo such a Tryal and Punishment, as by the Justice of that Our Kingdom should be found due to his Crime, expecting still that some heinous Matter would be objected and proved against him, to make him incapable, and to deprive him of that Favour and Protection from Us, Which we knew his former Actions and Services had merited. After many Months Attendance there, and (We presume) after such Examinations as were requisite, he was at last dismissed without any Censure, and without any Transmision of Charge against him to Us, and with a Licence to transport

port himself into this Kingdom; We concluded that it was then time to give him some instance of Our Favour, and to remember the many Services he had done, and the Sufferings he had undergone, for his Affections and Fidelity to Our Royal Father and Our Self, and that it was time to redeem him from those Calamities, which yet doe lie as heavy upon him since, as before our happy Return; And thereupon We recommend him to you Our Lieutenant, that you should move Our Council there, for preparing a Bill to be transmitted to Us, for the Re-investing him the said Marquefs, into the Possession of his Estate in that Our Kingdom, as had been done in some other Cases. To which *Letter*, you Our said Lieutenant returned us answer, That you had informed Our Council of that Our *Letter*, and that you were upon consideration thereof, unanimously of Opinion, that such a Bill ought not to be transmitted unto Us, the Reason whereof would forthwith be presented to Us from Our Council. After which time We received the inclosed *Petition* from the said Marquefs, which We referred to the considerations and examinations of the Lords of Our Privy Council, whose Names are mentioned in that Our *Reference*, which is annexed to the said *Petition*, who thereupon met together, and after having heard the Marquefs of *Antrim*, did not think fit to make any Report to Us, till they might see and understand the Reasons which induced you not to transmit the Bill We had proposed, which *Letter* was not then come to Our Hands: After which time We have received your *Letter* of the 18th of *March*, together with severall *Petitions* which had been presented to you, as well from the Old *Souldiers* and *Adventurers*, as from the Lady *Marchioness* of *Antrim*, all which we likewise transmitted to the Lords *Referees*; Upon a second *Petition* presented to Us by the Lord Marquefs, which is here likewise enclosed, commanding Our said *Referees* to take the same into their serious consideration, and to hear what the Petitioner had to offer in his own Vindication, and to report the whole matter to Us, which upon a third *Petition* herein likewise inclosed, We required them to expedite with what speed they could. By which deliberate Proceedings of Ours you cannot but observe, that no importunity, how just soever, could prevail with Us to bring Our Self to a Judgment in this Affair, without very ample Information. Our said *Referees*, after severall Meetings, and perusal of what hath been offered to them by the said Marquefs, have reported unto Us,

That they have seen several *Letters*, all of them the Hand-writing of Our Royal Father to the said Marquefs, and several *Instructions* concerning his treating and joining with the *Irish*, in order to the King's Service, by reducing to their Obedience, and by drawing some Forces from them for the Service of *Scotland*. That besides the *Letters* and *Orders* under His Majesties Hand, they have received sufficient Evidence and Testimony of several private Messages and Directions sent from Our Royal Father, and from Our Royal Mother, with the privacy and with the Directions of the King Our Father, by which they are perswaded, that whatever Intelligence, Correspondence or Actings, the said Marquefs had with the Confederate *Irish Catholics*, was directed or allowed by the said *Letters*, *Instructions* and *Directions*; and that it manifestly appears to them, that the
King

King Our Father, was well pleased with what the Marquess did, after he had done it, and approved the same.

This being the true State of the Marquess his Case, and there being nothing proved upon the first Information against him, nor any thing contained against him in your Letter of *March* 18. but that you were informed, he had put in his Claim before the Commissioners appointed for executing the *Act of Settlement*; and that if his Innocency be such as is alledged, there is no need of transmitting such a Bill to Us as is desired; and that if he be *Nocent*, it consists not with the Duty which you owe to Us, to transmit such a Bill, as if it should pass into a Law, must needs draw a great Prejudice upon so many Adventurers and Soldiers, which are, *as is alledged*, to be therein concerned. We have considered of the *Petition* of the *Adventurers* and *Souldiers*, which was transmitted to Us by You, the Equity of which consists in nothing, but that they have been peaceably in Possession for the space of seven or eight years, of those Lands which were formerly the Estate of the Marquess of *Antrim*, and others, who were all engaged in the late *Irish Rebellion*; and that they shall suffer very much and be ruined, if those Lands should be taken from them. And We have likewise considered another *Petition* from several Citizens of *London*, near sixty in number, directed to Our Self, wherein they desire, That the Marquess his Estate may be made liable to the payment of his just Debts, that so they may not be ruined in the favour of the present Possessors, who (they say) are but a few Citizens and Souldiers, who have disbursed very small Sums thereon. Upon the whole matter no man can think We are less engaged by Our Declaration, and by the *Act of Settlement*, to protect those who are *Innocent*, and who have faithfully endeavoured to serve the *Crown*, how unfortunate soever, than to expose to Justice those who have been really and maliciously *guilty*. And therefore we cannot in Justice, but, upon the *Petition* of the Marquess of *Antrim*, and after the serious and strict Inquisition into his Actions, declare unto you, That We do find him *Innocent* from any malice or Rebellious Purpose against the *Crown*; and that what he did by way of Correspondence or Compliance with the *Irish* Rebels, was in order to the Service of Our Royal Father, and warranted by his Instructions, and the Trust reposed in him, and that the benefit thereof accrued to the Service of the *Crown*, and not to the particular advantage and benefit of the Marquess. And as We cannot in justice deny him *this Testimony*, so We require You to transmit Our Letter to Our Commissioners, that they may know Our Judgements in this Case of the Lord of *Antrims*, and proceed accordingly. And so We bid you heartily farewell. Given at Our Court at White-Hall, July 10. in the 15th Year of Our Reign, 1683.

To Our Right Trusty and Right entirely Well-beloved Cousin and Counsellor, James Duke of Ormond, Our Lieutenant General, and General Governour, of Our Kingdom of Ireland; and to the Lords of Our Council of that Our Kingdom.

VOL. II.

C c c

By His Majesties Command,

HENRY BENNET.

Entred at the Signet-Office,

July 13, 1663.

A True

A True and Full RELATION of the horrible and hellish Plot of the JESUITES, Popish Priests, and other Papists in *IRELAND*, for the Massacring of the two chiefe Justices, and all the Privie Councell and Protestants in that Kingdome. As it was related by my Lord Keeper in the House of Commons, *November* the first 1641.

THe Lord Keeper declared unto the House of Commons, that the Lord Deputy of *Ireland* had received a Letter from the two Lord Cheife Justices and Privie Counsell in *Ireland*, of the discovery of an Horrible Plot by the Jesuites, Popish Priests, and other Papists in the Kingdome of *Ireland*, for the murthering of the two Cheife Justices and all the Privie Counsell and Protestants of *Ireland*, as also to seaze on all the Kings Forts, Castles and Magasens whatsoever, and moreover, that they would murther all persons that should oppose them in any of their intentions and desires, which were these.

1. First, to have their Crowne not to bee dependant upon *England*, nor to be a conquered Nation.

2. Secondly, to have their *Irish* Lawes established, and such as should bee made hereafter.

3. Thirdly, to have free liberty of the exercise of their Religion.

The Earle of *Leicester* declared the same also, adding that hee had the originall of a Proclamation which was made there, and had caused the same to be coppied out. The Letter beares date the twenty third of *October*, 1641. declaring that *Hugh Ocorett* went to *Dublin* unto the lodging of *Hugh Maymubawne* his very good friend, and he and his friend going to the lodging of the Lord Marques, understood great store of Noblemen and strangers had beene there, but they were all gone abroad, and they could not finde them; wherefore they returned backe againe to his friends lodging, where his friend revealed unto him the whole Plot; but swore unto him he should not stirre till it was put into execution, and therefore his friend commanded his servants to look narrowly to him: but after a while he fained some excuse of necessity for his going downe, which his friend gave way too, but sent his servants with him: when he was come downe, the servants not being so carefull to watch him as they might have beene, he leaped over a wall in the yard, and made an escape, and went to Sir *Iohn Burlacy*, and discovered to him the whole Plot, which was this.

That at nine of the Clocke the next morning, the *Irish* Rebels (amongst whom the Lord Marques was one of the chiefeft) intended at one hower and moment of time, to massacre and murder all the *English* and Protestants in the Kingdome of *Ireland*, likewise to murder the two Lord chiefe Justices, and all the privy counsell at *Dublin*, and at the same time, to seaze upon all the
Kings

Kings Castles, Forts, and Magazens throughout the whole Kingdome of *Ireland*, as also the Castle of *Dublin*, and that if they should finde any of the Citie, that would not submit to them, then they would shoote downe from the Castle, the tops of the Chimnys to affright them, and if that did not prevaile, they would then batter downe their houses about their eares. Hereupon the Lord chiefe Justice and the rest of the privy Councell of *Ireland*, sat all night in consultation, and tooke the best course they could imagine of for the safe-guard and security of themselves; together with the Castle and City of *Dublin*. The next morning they apprehended great store of these Trators and Rebels, together with the Lord *Marquise*, who was gone from his lodging before day and hid in a Cockloft, and at his lodging they found great store of Chaines, Hammers, and Hatchets without halves. The same day they had notice of severall places and Forts seized upon in *Conno* and *Monno* and other places, together with severall Villages plundered by the Rebels; but they wrote word that they did not beleieve that distemper was so generall as was reported to be, and then they made no question but they should with care and paines bring all to a good issue; to that end they had sent for five hundred of the Horse to come and guard them at *Dublin*, and had likewise raised five hundred *English* for the securing of themselves and the City, and that out of those five hundred they had chosen an hundred to be put into the Castle under the command of Sir *Francis Welloughby*, who they hoped would give a good accompt to his Majesty of the place fees two Monthes: And in the meane time for feare least there should be some further and worser plots then they knew of, they did desire that the Parliament in *England* would send them downe their Lord Lieftenant with men, money and Amunition. They further gave us to understand, that they had taken order for their Army of old Souldiers, to bee in a readines and to march in opposition to any of the Rebels that should draw to a head.



A VINDICATION of the Royal Martyr King CHARLES I. From the IRISH MESSAECRE in the Year 1641, cast upon him in the Life of RICHARD BAXTER, wrote by himself. And since in the *Abridgment* by E. CALAMY. Being a CASE of Present Concern. In a Letter to a Member of the House of Commons. The Second Edition. 1704.

S I R,

AMong the many *Lewd* and *Poisonous Pamphlets* of Late spread Abroad to *Debauch* the Nation, there is one more particularly deserves your Animadversion, and of your *Honourable House*; at this Time especially, when your Yearly Celebration of the Memory of the *Royal Martyr King Charles I.* is near at Hand.

To Confront you in which, there is publish'd this same Year, 1702. *An Abridgment of Mr. Baxter's History of his Life and Times*, by *Edmund Calamy*, with the Printer's, and no less than *three Bookfellers Names* affix'd to it. Wherein that *blest Martyr* is represented as the most *unnatural* and *bloody Monster*, and most harden'd *Hypocrite* that ever the Earth bore.

For all this he must be, and worse, if we could find Names for it, if he was the *Author* of, and gave *Commissions* for the barbarous *Massacre* of the *Protestants* in *Ireland*, *An. 1641.* And yet shou'd stand it out, and deny it, not only in his *Publick Declarations* to the World, but in his *Soliloquies* betwixt God and his own *Conscience*, in his *Εἰκὼν Βασιλική*, and even to his *Last Breath*.

Yet all this is Charg'd upon him, first, by *Richard Baxter*, that *Arch-Rebel*, who had himself borne *Arms* against him: And now by this *Calamy*, in his *Abridgment of Baxter's Life*. Ch. 4. p. 44. Where *blasphemously* he charges the *Discovery* of this upon *Providence*! For speaking of those who thought this *an horridly Unjust and Scandalous Aspersion upon His Majesty*, he adds, *But as Providence ordered it, a certain memorable Particularity help'd to set this Matter in a true Light.* Then he goes on to tell what this *Particularity* was, for which I refer you to the Place, being loath to transcribe it here; but it Ends, and is Summ'd up all in this, *That the Marquess of Antrim was forc'd to produce in the House of Commons a Letter of King Charles I. By which he gave him Order for the taking up Arms.* And for this, we have nothing but *Baxter's Word*. No *Journal* of the *House of Commons*, or any other *Authority* whatsoever. And had it been in so *Publick* a Manner *Expos'd*, sure some other besides *Baxter* would have taken Notice of it. Something of it would have been *Inserted* in the *Journals* of that *House*, if not the *Letter* it self.

But suppose all this was granted, what wou'd it amount to? We must see the *Date* of this *Letter*, what *Time* it was when the *King* gave *Orders* to my Lord of *Antrim* to take up *Arms*: And to what End it was, whether to *Mas-*
sacre

sacre the Protestants, or to assist His Majesty against his bloody *Rebels* then in Arms against him in *England* and *Scotland*. We know this Marquess sent Forces to the glorious *Montross* in *Scotland*, where they did eminent Service in reducing the *Unnatural Rebels* there. And we doubt not but he had the King's Order for it. And moreover, after the Cessation made by the Duke of *Ormond* with the *Irish*, many of them return'd to their Duty, and fought under the said Duke, His Majesty's Lord Lieutenant there, against the *Rebels*. And why might not my Lord of *Antrim* have a Commission as well as others? so that till we see the Date of these pretended *Orders* to the Marquess of *Antrim*, and the Contents of them, no Judgment can be made. They must be sent before the *Massacre* of 1641, to answer to the diabolical Malice of these *Tongues* set in Fire of *Hell*: Therefore let them produce their Evidence.

Will it not become the Justice of your *House* to require it? To Vindicate not only the Memory of him whom you celebrate as a Martyr, but the Honour of a former *House of Commons* of *England*, who are brought in here as *Witnesses* to so horrid a Scandal thrown upon the best of Kings, and Grandfather to Her Majesty, who is reproach'd in him, who is her greatest Glory, and of the Nation; but the eternal Infamy and Mill-stone of that *hypocritical* and *bloody Faction*, and will one Day *sink* them, who after having so many Years abus'd the unparallel'd Goodness and Condescensions of so pious and meek a King towards such *incorrigible Rebels*, (which was his greatest Fault) at last, not content to *murder* him, sat formally in Judgment upon him by their own Authority, that they might *murder* the Laws with him, and all that Reverence which the whole World has ever paid to crown'd Heads, or establish'd Constitutions; by such an Example of a Mock-Court of Justice as never before was seen since the Earth was made! And which exceeds all this, they still glory in it, repeat it every Year in their *Calves-Head-Fests*, where they *sacrifice* to the *Legion* that possesses them. And not satisfied with the Royal Blood they have drunk, still thirst for more. In order to which, and to justify what they have done, they are never weary in raking into the Ashes of this Martyr for our Church and our Laws; they *curse* his *memory*, and *blacken* it with all the *lies* and *malice* of *Hell* can invent. Of which, this is the greatest, to fasten the horrid *Massacre* in *Ireland* upon him, against whom it was chiefly design'd, and who, of all Mankind, was most concern'd for it; and was hinder'd from *preventing* or *revenging* it, by those who accuse him for it; and seized the Money and Magazines he had provided for that *Expedition*, and made use of them to carry on their own *Rebellion* against him in *England*. And then their *Bell-Weathers* first *invent*, and then *belch* out their *curst* *Lies* among the *People*.

This Particular, as to the *Irish Massacre*, was first broached by that *Black Saint Baxter*, in his *Life*, Publish'd since the *Revolution* (a proper time!) and Prosecuted by *Roger Cook*, *Oats*, and the whole, &c. of the *Faction*. But is since more impudently *Reviv'd* in this Reign, by *Calamy*; because that *Life* of *Baxter*, wrote by himself (whereby his *Sins* are kept in *Remembrance*) has been Answered; and as to this Point particularly of laying the *Massacre* in *Ireland* upon the King, and as to this Story of the Marquess of *Antrim*, by the
Rev.

Rev. Mr. Long of Exeter, in his *Review of Mr. Baxter's Life*, Printed Anno 1697. To which no *Answer* has been given by the *Faction*; for they cannot Yet Repeat the same *Slanders* over again, as this *Calamy* now *five* Years after, without taking the least notice that they have been all *disprov'd* already. For it is one *Maxim* of these *Saints* to *Lie still on*,—No matter for being *Disprov'd*! Some will believe them. Leave those that will not. And Repeat it again in the next Company. Print it over and over. It will come into more Hands than the *Defences*! Their Authority is sufficient with their own *Party*; and their grave *Impudence* with others, who cannot think *Mankind* capable of so much *Devil*!

Mr. Long has Vouched *Letters* wrote by the *King* himselfe, and others by his *Order*, to the then *Lords Justices* of *Ireland*, some time before that Inhumane *Massacre* there, giving them Notice of several Informations he had Received of some Evil Designs of the *Irish* soon to be Perpetrated; and therefore Commands them to be Watchful over them. And brings the Testimony of the *Lord Primate Usher*, undeniably *Attested* for this. And though the *Dissenters* shew greater Regard to this most Learned *Bishop*, than to any other of ours, yet cannot this stop their foul *Mouths*. They Answer it not. But, as I said, *Lye still on*.

Mr. Long next shews, That the *Rebels* in *Ireland* did counterfeit *Commissions* from the *King*; but that the *Forgery* was found out; and that they Confessed it at their *Deaths*, as Sir *Phelom O Neal*, who had his *Life* promis'd him at the *Gallows*, if he would but say, that he had such a *commission* from the *King*. Of which I know some Witness still Living, and of unquestionable *credit*. And therefore he argues most Rationally, That if they had a Real *commission* from the *King*, what need had they to counterfeit such an one; And why would they not save their *Lives* and *Estates* by owning of it, when tempted by those who strove to *Blacken* the *King* all that they could, to *justifie* themselves.

He tells, p. 205. That the *Marquess of Antrim* was not Named in the *Histories* of those times, either as *Commander*, *Counsellor*, or *Confederate*, till the *Cessation* was treated of, July 19. 1643. And gives his Authority. If so, he could not be concerned in the *Massacre* of 1641. At least, not so as to be taken Notice of. But so great and Powerful a Man as he was in that Kingdom, cou'd not have been forgotten, where Men of much less Name were Remembered, as *Actors* in that *Bloody Tragedy*. The chief of whom, the *Lord Muskerry*, the *Lord Macguire*, and Sir *Phelom O Neal* did testify at their *Deaths*, That they had no *commission* from the *King*, nor knew of any to Countenance their *Insurrection*. So that if the *Marquess of Antrim* had any, he kept it to himself, and very Private. For there was not a word of it till after the *King* was murdered.

There is not any mention made of his *Majesty's* having the least Hand in that *Massacre*, in the horrid *Indictment* Exhibited against him at his *Trial*. If those *Blood-Hounds* could have found the smallest *Semblance* to have Charg'd him with this, it would have been more to their Cursed Purpose, than all they Rak'd together to lay upon him. But they have since Exceeded *Themselves* in

in *Wickedness*, being given up to a *Reprobate Sense*! Such *Harden'd Villains* never before bore the Name of *Christians*!

Sir, You must Excuse me, I follow Dr. *Tillotson's* Advice, who truly says in his *Sermons of Education*, That to reprove some sort of Sins *mildly*, is to encourage them; and that the *Censure* ought to bear Proportion to the *Crime*. This is as near as I can remember his Words, the Book not being now with me. But I am sure I mistake not his Meaning. However it is a great *Truth*. And a Man may spare his *Indignation* in some Cases, *Faultily*. He that is not moved at the *Treatment* these Men have given to that *Blessed King* (and still continue to do) to this *Church* and *Nation*, these *Sixty Years* past, can have no *Natural Affection*, nor would have any concern, if he saw his *Country* sink, and all the Churches in the World in a *Flame*! And such an one is not fit to live upon the Face of the Earth, He is no *Citizen* of the *World*, who has no Regard to its *Welfare*; and he can be no *Christian*, who lays not to Heart the *Breaches* of *Sion*.

If these *Sinners* shewed any *Signs* of *Remorse*, or *Repentance*, Reason were that we should beare with them; and though their *Sins* be as *Scarlet*, and not so much as named among the *Heathen*, yet *Charity* would plead for their *Forgiveness*.

But when they still *Persist*, and *Repeat* their *Wickedness*, and stand it out against all *conviction*, then the *Apostle* directs, That such *Evil Beasts*, who are *always Lyars*, should be *Rebuked sharply*. There is no other way to *Reclaim* them or save others from their *Infection*.

Calamy begins his *Preface* with the *Ill Treatment* that Mr. *Baxter's Narrative of his Life* has met with, yet *Answers* not a word to Mr *Long's Review* of it. Particularly as to this *Diabolical Calumny* cast upon the *King* in Relation to the *massacre* in *Ireland*. No, But, *lye still on!* He *Repeats* it again! That it might not *Dye*. At this time especially, when the *Faction* begin to be upon their *mettle*, and may have use for their *Old Artillery* again.

Therefore Sir, look to it in Justice to the *Memory* of the *Martyr*; for the *Safety* and *Honour* of the *Queen*; for the *Preservation* of the *Peace* of the *Nation*; and for the *Vindication* of the *House of Commons* hereby *Aspers'd*, to have such a *Letter* from that *King* laid before them, as gave *Orders* for the *Massacre* in *Ireland*, and that they took no Notice of it, though they were put to *Silence* by it, as *Baxter* says, (in his *Life* Par. 3. p. 83. Quoted in the *Review*, p 192, 193.) And lays it upon what he calls their *Egregious Loyalty*, that they would notwithstanding, support the *Monarchy* in his *Son K. Char. II.* (as they who now *Re-publish* the same, mean it as *Egregiously* to the rest of his *Posterity*, for the Reason is the same) but bark to *Baxter!* which (Letter of *K. Char. I.* says he) being Read in the *House* (of *Commons* of *England*) put them into a *Silence*: But yet so *Egregious* was their *Loyalty* and *Veneration* of *Majesty*, that it put them not at all one Step out of the way which they had gone in. But the People without *Doors* talked strangely: Some said, Did you not perswade us that the *King* was against the *Irish Rebellion*? And that the *Rebels* belied him, when they said, they had his *Warrant* or *commission*? Do we not now see with what mind he would have gone himselfe into *Ireland* to
Fight

Fight against them?—Whereupon the Parliament's Old Adherents grew more confident than ever of the righteousness of their Wars: And the very Destroyers of the King, whom the first Parliamentarians called Rebels, did presume also to Justifie their cause, and said, That the Law of Nature did Warrant them.

Here is a *Vindication* (in the third Person) not only of the *Rebellion* of this *Faction* in 1641, but of the *murther* of the *King* in 1648. [From which some of the first *Saints* of the *Presbyterians*, (after they were *outwitted*, and *wormed out* by their Younger Brethren the *Independants*) did endeavour, in *Spite*, to free themselves, because not done by themselves.] And all upon Account of this *Letter* of *King Charles I.* to my Lord of *Antrim*. Therefore, Sir, I hope it will appear Incumbent upon your *Honourable House* to Examine into this *material* Point; before the *Nation* be too far *Infected*; and more be found to *Feast* at the *Calves-Head-Clubbs*, on the 30th of *January*, than to *Fast* with you. It would set your Teeth on Edge to hear how this Story of the Marquess of *Antrim*, since this last Reviving of it, is carried about the *Party*, and *Lapp'd* like Sweet-Milk! And many who have not Enquir'd into it, know not what to say to it, and are *Deluded* by it. I assure you it does great Mischief, and tends to *Alienate* the *Affections* of the *People* from her Present Majesty, the whole *Race* of that Royal Martyr, and Monarchy in General; which are the Uses the *Faction* do make of it.

Now Sir, *Paper-Defences* come but to a *Few-Hands*, and are well considered by *Fewer*. Besides that this *Industrious Party* do *Print* upon a *Publicke Stock*: and have methods of Dispersing their Books, which others have not: For besides what they can allow to give away, and are Directed to whom; they leave Books at Private Houses, with sufficient time to Peruse them: And then to return either the Book or the Money.

Therefore I know no way to stop the spreading of this most malicious and false Story, but your *Honourable House* taking it into Consideration, and Examining the *Bottom* of it. Then let the *Faction* produce their Evidence before you; and let the *Nation* have their Decision from thence.

Baxter Quotes no other Authority for it than a False and malicious Pamphlet, call'd *Murder will out*, supposed to be writ by *Ludlow*, one of the *Regicides*, who not only sat in that *Execrable High Court of Justice*, but was one of those who actually Sign'd the Sentence against the *King* for the cutting off of his Head, The same who was (*Whileom*) sent for over hither to be made a Major-General but that age of *Reviling* and Trampling upon Martyrs for Church or Laws, is over, Blessed be God. When Dr. *Oats* could be admitted to Present *Volums* of his *Billingsgate*, in the *Calves-head Cant*, against him, whom he stil'd of *Notorious memory* (like *Baxter's Egregious Loyalty*) and was *Graceiously* Receiv'd, with, *I thank you good Doctor!* by some body that Lov'd none of the Martyr's Family but one who did not deserve it.

Now Sir, since the whole of this Story must Centre in *Baxter's* Authority, I desire to be heard a few Words as to his Credit, for I am of Council for the Defendant, the poore Martyr'd *King*.

First,

First, *Baxter* is no *equal Witness*, he pleads for himself. He was an active *Rebel* against this good *King*, during that whole *Rebellion*. And even after he was so barbarously *murder'd*, this same *Baxter* did *canonize* those as *Saints* who brought him to the *Block*.

This he did in his *Saints Everlasting Rest*, in the Edition of it printed *Anno* 1649. page 83. And in the Edition, 1652. Part 1. Page 101. where describing the *Joys of Heaven*, from the blessed Company that is there, he says, *I think, Christians, this will be a more honourable Assembly than ever you here beheld; and a more happy Society than you were ever of before. Surely Brook, and Pim, and Hamden, and White, &c. are now Members of a more knowing, unerring, well-ordered, right-aiming, self-denying, unanimous, honourable, triumphant Senate than this from whence they are taken, is, or ever Parliament will be. It is better to be a Door-keeper to that Assembly, whither Twiss, &c. are translated, than to have continued here the Moderator of this. That is the true Parliamentum beatum, the blessed Parliament, and that is the only Church that cannot err.* And page 82. of the first Edition, and page 99 of the other, he names a Number of other Names, among the rest *Bradshaw*.

Here some of the very *Regicides* are nam'd, as *Colonel White*, who was one of the High-Court of *Justice* and sat upon the *King*, with an *&c.* for all the rest of them. And *Bradshaw* the President of the Court, if they will not say that it was some other *Bradshaw* he meant, because he is set there among *Scholars*, tho' some no more than himself.

But the whole *Rump* of a Parliament (having by force *secluded* the true Members of the *House of Commons*, and turn'd out the whole *House of Lords*, to whom, by a voluntary Oath of their own making, they had *sworn* to render them *secure*, and then *murder'd* their *King*) are All together here fainted, and made a Type of *Heaven*; whose Constitution they suppose, or the likest thing to it in this World, to be a Parliament without a *King*, or an Assembly of *Short-gray-cloak-lay-Elders*, all in *Parity*, without any Head or Bishop over them.

This is their *Heaven*!

The Kingdom of *Heaven* they leave to the *Cavaliers*. But they have chosen a *Heaven* in a Parliamentary Way! That's better for them. It suits better with their Complexion. What should they do in a Place full of *Kings* and *Priests*, as *Heaven* is describ'd in the *Revelations*! Why they wou'd be all *Kings* and *Bishops* themselves! That is all they strove for upon *Earth*! And wou'd do the same in *Heaven*, if they have not chang'd their Principles, for there will be *higher* than they even there, or else it will go hard; and they are for no *superior*, except the *Holy One*! Which is just the same good old Cause that *Lucifer* fought in *Heaven*: He would have none of *God's* Deputies or Vice-gerents over him, tho' it were the Son of *God* himself.

But *Baxter*, in his Scheme, did not consider that there is an *Hierarchy* in *Heaven*, of *superior* and *inferior Orders*, *Degrees* and *Dignities*, even as here, And we must be *subject* there, as well as here, to those whom *God* has set over us.

And who are not good Subjects here, will not be admitted there. St. Jude says, *That the Angels who kept not* (or were not content with) *their first Estate* (or *Principality*, as our *Margin* reads it) but *aspir'd* to an *higher Order*, were thrown out of Heaven, whither no more *Rebels* have any Entrance. And they who cannot be content with the Station God has plac'd them in here, but *usurp* upon their Superiors, as *Korah* and his *Levites* against *Aaron*; and *Dathan* and *Abiram*, with their Company against *Moses*, they descend to a Place of *Disorder* and *Confusion*, such as they would bring upon the Earth.

Heaven is no such *independent* Place, as Mr. *Baxter* has fancy'd, made up all of single Persons, without any Government among them, or any *Superior* but God. His Principles of *Rebellion* upon Earth, have corrupted his very Notions of Heaven; where they *submit* to those set over them, as the *Ordinance* of God. They *submit freely*, therefore they are *free Subjects*: The Devils *rebel* for their *Freedom*, therefore they are *Slaves*.

And God has given upon Earth the Resemblance of his Government in Heaven, in a Subordination of several Offices under the King as Supream.

And they who are *Rebels* here, against this *Institution* of God, wou'd be so there too, if they cou'd; and therefore they come not thither.

They will find no Precedent there for *Baxter's Parliamentum beatum*, his *blessed Parliament* of 1648, without their King. Unless it be what *Milton* has left them upon Record, in his *Paradise Lost*, where *Lucifer* call'd a Convention, and was himself their *Speaker*.

But to leave these Fooleries, I think such a Man as *Baxter* is not to be admitted as a competent *Witness* in the Case of a Martyr, whose Murtherers he has *fainted*, (which is more *consenting* to it than keeping the *Raiments* of those that *slew* him.) No, nor *Ludlow*, who had embrued his own Hands in the Royal Blood; so that they could not do *Justice* to him, without *condemning* of themselves; and had the strongest *Temptation* to *Lying*, which is, to *justify* themselves.

2. For, *secondly*, this *Baxter* was a notorious *Liar* in other Cases. Even in this same religious *Life* of his. As page 119. of the *Third Part*, where he says,——“Many *French* Ministers sentenc'd to Death and Banishment, came hither for Refuge, and the Church-men relieve not, because they are not for *English* Diocesans and Conformity.” Mr. *Long* has taken him to Task for this, in his *Review*, Page 211. &c. Where he shews, 1st, How very *liberal* and *compassionate* the Bishops and Clergy were to them. And, 2^{dly}, That they did *conform*, received *Episcopal Ordination*; and many of them were preferr'd to good Livings, and even Dignities in the Church, of which he names several, and the Places where they were beneficed. But we need not *single Witnesses* for this; the whole *Nation* knows it. It is as notorious as *Baxter's* shameless Impudence in asserting the contrary. You will find several other such like Instances in the *Review*; to which, for Brevity, I refer you.

Now is his *single Testimony*, and that but from Hear-say, to be taken of a Matter of Fact out of Memory, and in a Cause wherein he and his *Saints* were so nearly concerned, who had the *Brass* to lye so egregiously in the Face of

of the whole Nation, in the Instance above nam'd; and at the Time when the Matter of Fact was fresh, and before every Bodies Eyes! But it was for the *Good Old Cause*, which *Sanctifies* every thing!

3. This brings me to my last *Topick* I shall use upon this Head (because I would not detain you) which is, That *Lying* is a *fourth Property* of these *Baxterian Saints*, inseparable from their *Essence*. The History of this would fill Volumes. It is the first Milk that they Suck. It was this which gave Birth to their blessed *League and Covenant*, nourish'd and fatted it up—to the *Gallowes*!

Infomuch, That whatever Story they tell (and they have *Abundance*! Especially pretty little *Private* ones) which concerns their Cause, either of Saintship to their own Armigers, or to *blacken* a *King*, a *Bishop*, a *Clergy-man*, or any who are well affected to them; and where they produce not (for they never spare for *Vouching*) some other *Testimony* than their own, you may conclude, That it is an errant Lye and Slander; especially when you see a secret Joy and Satisfaction arise in the telling of it, which they can hardly conceal; for Slander is their *Honey*, they must Lick their Lips.

Therefore were there nothing to Confront this Story of *Baxter's*, no Proofs against it, no Circumstances to make us *Doubt* of it, but only his *Telling* of it, and to see how *sweetly* it is *eccho'd* and *repeated* by the *Party*; it is sufficient to make any Man that knows them, believe, That there is not one Word of *Truth* in it. He that has accusom'd himself to Lying, is justly to be suspected, even when he tells a Truth: And Truth suffers by coming from such Mouths.

Now, Sir, I will Sum up my Evidence, when I have desir'd one thing more, which is, That the *Royal Martyr* himself may be heard in his own Defence; not as to this *Particularity* (as *Calamy* calls it) of his *Letter* to my Lord of *Antrim*; for that was not then *Invented*, it was never heard of in all his Life; for then it cou'd have easily been *Dis-proved*. But as to that *Imputation*, which, in the generall, had been laid upon his Majesty, of his having *countenanced* or *abbetted* that bloody Rebellion and Massacre in *Ireland*. Upon which he bestows the Twelfth Chapter of his In-comparable, and Un-imitable Book of *Εἰκὼν Βασιλική*.

But before I go on with that, Let me observe with what Malice and Industry the *Faction*, of late Years especially (when they had not only *Liberty* but *Encouragement*) have bent their whole Force, and wrote severall Treatises, to rob the *Martyr* of the *Glory*, and save themselves from the Shame and Conviction that is contain'd in that *Book*. And that by such Honest and Sincere *Artifices*, as they have us'd in this of charging the Rebellion and Massacre in *Ireland* upon the King. This from an *Invisible Letter* to my Lord of *Antrim*: That from an *Un-attested* suppos'd *Memorandum* of my Lord *Anglesey's*, found or wrote after his Death, in a vacant Page of one of these printed Books. Which is fully *Answer'd* in a *Vindication* of King Charles the Martyr, proving that His Majesty was the Author of *Εἰκὼν Βασιλική*, Against a *Memorandum*, said to be written by the Earl of Anglesey: And against the *Exceptions* of Dr. Walker, and others. Printed, An. 1697.

There it is likewise shew'd, and undeniably prov'd, at the Close of the *Second Edition*, That *Milton* and *Bradshaw* did Foist in among the *Devotions* in Εὐδὸν Βασιλική, a *Prayer*, taken out of Sir *Philip Sidney's Arcadia*. And then *Milton* in his *Scurrilous Answer* to the King's Book, plays the Buffoon upon his Sacred Majesty, for borrowing a *Prayer* out of a *Romance*. And *Henry Hills* who was Printer to *Oliver*, has heard *Bradshaw* and *Milton* laughing at the Jest of their inserting this *Prayer*; and then exposing the King for it. Which in the said *Vindication* is fully attested. Inasmuch, that the *Hissing* of this *Seed* of the *Serpent* is, at present stopp'd; and the King is suffer'd to enjoy his own Book.

But, perhaps, five Years hence, we may have the same Clamour renew'd again, without taking any Notice of this *Vindication*; as *Calamy* has reviv'd that of *Baxter*, in the other Case.

Having thus far clear'd this *Book* to be the King's own Words, let us now hear what he himself says concerning the Rebellion and Massacre in *Ireland*. And when you have read over his xiith Chap. upon this Subject (if you can with dry Eyes) then judge whether he or *Baxter* is to be believ'd! He says, *That Sea of Blood which hath there been cruelly and barbarously shed, is enough to drown any Man in eternal both Infamy and Misery, whom God shall find the malicious Author or Instigator of its Effusion.*—*There was nothing could be more abhorred to me, being so full of Sin against God, Disloyalty to my self, and destructive to my Subjects.* And he prays to God, *O rescue and assist those poor Protestants in Ireland, whom thou hast hitherto preserv'd.*—*And deal with me, not according to Man's unjust Reproaches, but according to the Innocency of my Hands in thy Sight.* If I have desir'd or delighted in the woeful Day of my Kingdom's Calamities, if I have not earnestly studied, and faithfully endeavour'd the preventing and composing of these bloody Distractions; then let thy Hand be against me and my Father's House. O Lord, thou seest I have Enemies enough of Men; as I need not, so I should not dare thus to imprecate thy Curse upon me and mine, if my Conscience did not witness my Integrity, which Thou, O Lord, knowest right well.

Now consider how tender his Conscience was, by the deep Remorse he express'd in his Second Chap. upon the Earl of *Strafford's* Death. Tho' he pass'd that *Bill* with the Consent of *Parliament*, and Approbation of the Generality of the Nation indeed, was press'd to it wholly by their Clamours and Importunity. The History tells that he intended to have done publick Penance for it; but his Troubles came on so fast, as not to afford him a fitting Opportunity. But he did it upon the Scaffold, where he publicly and solemnly did confess it; and own'd the unjust Sentence against himself, to be a just Punishment from God, for that Unjust Sentence which he had suffer'd to pass upon another. Can any Man then believe, That he could have call'd for those dreadful Imprecations upon Himself and Family, as to the Case of *Ireland*; and stood out in it even to his Death, if he had been, in any wise, necessary to it? He knew not when he wrote these Meditations, that mortal Eye should ever see them. They were the pouring out of his Soul, betwixt God and Him alone, when he was in Prison, and none suffered to come near him, but

but whom his *bloody Butcherers* pleas'd. So that he had no *Temptation* to act such *monstrous Hypocrisy* with *God*, if he had been otherwise capable of it. Which I dare say no Man upon the Earth does believe. And the very Sons and Masters of *Lyes* dare not alledge. And have therefore endeavour'd, first to *discredit* (as *Milton*, by the *Prayer* out of the *Arcadia*) and since more *impudently* (grown older in *Mischief*) to overthrow the *Authority* of the whole *Book*, in both of which *Wicked Attempts*, they being *detected*; and the *Genuineness* of the *Book* fully *vindicated*, does, I think, put a full End to all this *Calumny* as to *Ireland*, particularly as to that *White-Bear*, of the *Letter* to my Lord of *Antrim*.

But this *Book of Calamy's* does not only do *Mischief* at Home, but goes Abroad, wherever there are *Phanatics*; and our *Martyr* will appear a *Monster* to other Countries, unless *vindicated* by some *publick Authority*, of which the *World* may take Notice; considering that the *Reproach* is so *Fresh*, just now done; and made as *publick* as the Interest of the whole *Faction* can make it; and that in the *Reign* of his *Grand-child*, who it may be thought, and they will give it out hereafter, was willing to let it pass. Why may not this be thought, when in that pretended *Memorandum* of the Earl of *Anglesey's*, they have presum'd to bring in both his Sons, *K. Charles* and *K. James*, as *Witnesses* against their *Father*?

If an *Action of Scandalum Magnatum* may be brought in Behalf of a private *Peer*, even after his *Death*, to vindicate his Memory, and the Honour of his Family: Here are *three Kings* vilely aspers'd after their Deaths. What proportionable Satisfaction ought to be made to them, the Wisdom of your House best knows, and can give it. At least, I hope, that less than this cannot be done, to express their *Displeasure* against this *Scandal* (lest their *Silence* may hereafter be constru'd as their *Approbation*;) and to put such a Stop to it, as that it proceed no farther.

Sir, I wish your House may have the Honour of *punishing* and *suppressing* the *Insolence* of this *Faction* (which has reign'd long enough) and you to make the *Motion*. That *the Mouths of those who speak Lyes, may be stopp'd*. Jan. 10. 1702.

The Anniversary of Arch-Bishop *Laud's* Martyrdom, by the same Hands.

POSTSCRIPT.

THIS Passage I have insisted upon in *Calamy's Abridgment of Baxter's Life*, is not the only one of this Nature that is there. No, It is a *virulent Inveective* quite through against the *Church* and the *Crown*. The examining of all which wou'd be a Work by it self.

And it is to be prsumed, That the noble Lord whose Name is *disgrac'd* by the *Dedication* of this *Libel* to him, knows nothing of it. And that when he does, he will do himself Justice.

The

The *IRISH MASSACRE* set in a Clear Light. Wherein Mr. BAXTER's Account of it in the History of his own Life, and the Abridgment thereof, by Dr. CALAMY, are fully consider'd. Together with Two Letters from Mr. CHAUNDLER, (the Dissenting Teacher of *BATH*, Reviving the aforesaid Account) to the Reverend Mr. THOMAS CART at *BATH*, with his two Replies to Mr. CHAUNDLER.

I Cannot allow my self to publish these Letters to the World, without giving some Account of the Occasion of writing them, which was this. Preaching on last *January 30*, in the *Abbey Church* of this Place, I gave in my Sermon a Detail of the Methods and Practices, whereby the Rebels, of 1641 carried on their Designs, and effected the Ruin of the Church and Monarchy of *England*. 'Tis scarce possible for an honest Man to think of those Times, and of the Measures then taken, without Horror, and very difficult to speak of them with Tenderness. But the Part that I chose was barely to represent them. They carried indeed their own, and that a very heavy Censure with them, and are so flagrantly impious, that nothing can, at least nothing need, be added to set forth their Wickedness, or raise in good Men an Abhorrence of them.

But what in such has this Effect, raises a different kind of Resentment in others: They that entertain the Principles of the Rebels of those Days, and would be glad to see the same Steps pursued, the same Practices repeated, rage at a Representation that makes them odious, and may thereby prevent their Success. The Preacher that exposes these Practices, not the Persons who committed them, is the Object of these Mens Indignation, and whilst some pitying Expressions are offered up to their Memory, some alleviated Circumstances urged to lessen the Horror of their Crimes and Greatness of their Guilt, he is sure to feel the Effects of their Passions, and Weight of their Censure for setting in a just Light, *Actions*, which, execrable as they are, were yet acted many Years ago: Tho' he does this on a Day set apart by Authority to implore God's Pardon for those very Actions, and to deprecate his Judgments which still lie heavy upon this Nation on Account thereof: And though these very Persons thus displeased with the Remembrance of the Hypocrisy, Treachery, Rebellion, and other Impieties of a Faction, and one Set of Men dissenting from our Church, who once triumphed in the actual Ruin of it, and still threaten it with their Attempts, can dwell for ever on all the shocking or unjustifiable Practices of another Body of Men, Enemies indeed to our Church, but so disproportioned in Numbers, and of Principles so contrary to the Spirit and Genius of this Nation, and whose very Name is so odious to the Generality of even the common sort of People, who have a Sense of nothing else; that a reasonable Man can hardly apprehend any real Danger from them. But

But Men's Actions and Censures are not always very consistent, and 'tis no unusual thing for them to condemn in others, that which they allow in themselves, and to exclaim against that method which deserves their Cause, which they applaud when it promotes it. And if I have met with any Reproaches, or raised any Resentments by a just Representation of the Crimes and Calamities of Forty One, it has been from none but such Persons as these, whose Indignation will make none uneasy, and it has only served to convince me more clearly of the reasonableness and usefulness of such a Representation, which cannot surely by any loyal or good Man be thought improper, whilst there are such Numbers who espouse the same Principles, with the Rebels of those Days, and who, as they justify their Actions, may without breach of Charity, be supposed ready to Re-act them.

But it is paying too much Regard to this Objection to take Notice of it, for general Charges seldom need an Answer, and deserve only to be slighted. And yet nothing more Particular has been objected against that Discourse, no Misrepresentation has been charged on it, as to any one Fact asserted in it, unless as to that which Mr. *Chaundler* the dissenting Teacher in this Place was offended at, and challenged me to prove, which as it gave Occasion for, makes also the Subject of the following Letters.

It cannot therefore be improper to lay before the World that Passage which he excepted against, in the Words wherein I Preach'd it; of which take this Account.

After shewing the Reasonableness of the Religious Observance of the Day from several Topicks, as particularly, from its being a proper means to obtain God's Pardon for the horrid Murder committed on it, the fatal Effects of which, and Calamities naturally flowing from it, this Nation has long groaned under, and yet cannot see an End of; from the Encouragement which the seditious Doctrines that supported the great Rebellion have met with of late Years, from the Profanation of the Day by a Crew of Wretches at their *Calves-head-Fests*, from the little or no Alteration in the Principles and Conduct of the Sects and Parties, the Great Actors in the Rapines and Crimes of those Rebellious Times, that has appeared since where they have the Power of Acting, from the barbarous Treatment of the Episcopal Clergy in a Sister Nation since the Revolution, a Thing too little known and considered in this, and from the Dissenters looking on the solemn League and Covenant, that Grand Instrument of the Rebellion as still obligatory on the Nation. I after this, observed, how carefully they are taught to abhor the Memory of the Royal Martyr, as Mr. *Wesley* who was bred up amongst them, tells us in his Account of the Manner of Education in the Dissenting Academies, and laid it down for a Rule, that their Actions are the Truest Test of their Sentiments in this Point, and the surest way we can take to form a judgment of them: And then immediately follow these Words, &c.

And do not these (their Actions) shew, that they hate the Memory of King *Charles* to the utmost degree, and that they rejoyce in their Ancestors Treatment of him, and transcribe their Copy as far as they can? Those, we know,

know, not satisfy'd with spoiling the Royal Martyr of his Kingdom and Life, endeavoured to stab his Honour, which was dearer to him than both. Among other Slanders which their Malice threw upon him, and his Memory, this was one, that He had an Hand in, and gave Orders for the bloody Massacre and Rebellion in *Ireland* in 1641.

The Malice and Falshood of this Charge have been sufficiently proved, and 'tis well known and attested, that when Sir *Phelim Oneal*, Head of that Rebellion, was taken, they endeavoured to perswade him to accuse the King, and at his Tryal, nay, at his Execution too, they offered him his Life, his Estate and other Advantages, would he but charge the King with it. This was a Crime so horrid, that tho' themselves were Villains enough to engage in it, yet Sir *Phelim* would not, but died, declaring the King's Innocency. And yet this Curfed as well as False and Malicious Calumny, their Sons have revived again within these eight Years in the Abridgment of *Baxter's* Life, published by *Calamy*.

I insisted likewise, by way of Proof of this their Hatred of King *Charles's* Memory, on the Malicious, tho' Impotent, Endeavours, used to make the *Εἰκὼν Βασιλική*, that Book of his, which contains the true Picture of his Soul, and this so exceeding lovely and beautiful an one, that it must charm all that have any Taste of Virtue and Goodness, be suspected as spurious; and on the late republishing of all the Lies and Slanders that had been raised of him, and spreading them through the Nation in *Ludlow's* Memoirs. And whether Mr. *Chaundler* has by his Conduct contributed any thing to the clearing of them from such an Hatred of King *Charles's* Memory, let the World judge.

What I am further to say, with regard to this Passage is, that as it is the only One, the Truth of which has been called in Question, and which Mr. *Chaundler* has chose for the Subject of his Attack, so I have quoted it fairly to a Syllable as I preach'd it.

I must confess, I did not imagine a Clergyman of the Church of *England*, preaching on such a Day, setting forth the Horror of those Crimes, which occasioned the Observance of it, and vindicating one of the best but most abused Monarchs that ever lived, should be called to an Account by a Dissenting Teacher, for what he said from the Pulpit, in the Execution of his Office, in so just, at least so charitable a Cause, and in answering the Ends for which the Supreme Authority of the Nation enjoined the Observance of the Day; such a Conduct as this seeming to be no very suitable Return for that Toleration which our Laws have graciously indulg'd the Dissenters, was what indeed I did not expect. Much less could I expect an Attack on a Point of so odious a Nature, as the Loading King *Charles's* Memory with so black a Crime, as being concern'd in the *Irish* Massacre: And the World perhaps will be surprized to find any so malignant now, as to suspect it possible for him to be guilty of so detestable an Action, from which he has been so clearly vindicated, and which never had any the least Proof to support it.

That a Calumny of so gross a Size should be charg'd upon King *Charles*, and a particular Disproof of it required, one of his Race sitting upon the Throne,

Throne, in a Place of as publick a Refort as any in this Kingdom; a Calumny which the Rebels of 41 could never fix or prove upon him, tho' they used all Arts to do it, tho' People were put to the Rack to oblige them to accuse him as * privy to, and concern'd in the *Irish* Rebellion, as was the Case of Sir *John Read*: and tho' at the time of its first being charg'd upon him, it was undeniably refuted by Mr. *Howel* and others: None of the *Irish* Rebels that fell into the Hands of the Parliament offering to accuse him of it; and the Lord *Macguire* than whom none was deeper engaged in the Rebellion, or knew more of the Persons concern'd, and of the Measures to be taken in it, He, (as the King says in his Declaration in Answer to the Parliament's Resolution of no farther Addresses, fol. 289.) Tho' thus equally privy to all Transactions, denyed to the last, that the Rebels had any Commission from the King, with more sense of Conscience, than they who examined him expected: Tho' he was so far from giving them any Commission, that he had no foreknowledge of their Design, as, (says Mr. *Howel* in his Glance on the *Isle of Wight*, p. 381.) besides a World of convincing Circumstances which may clear him in this particular, appears from the Confession of the same Lord *Macguire* before his Execution on *Feb.* 20. 1644, who upon the Ladder, and another upon the Scaffold, when they were ready to breath their last, and to appear before the Tribunal of Heaven, did absolutely acquit the King in this point; and this spontaneously of their own accord, being unsought unto, but only out of a Love to Truth and discharge of a good Conscience: Nay, so far was he from having any Intimation of the Insurrection in *Ireland*, that as Mr. *Howel* attests, † the *Spanish* Ambassador here and his Confessor, a very Reverend *Irishman* told him, the King knew no more of it than the Great *Mogul* did; and so confident was Mr. *Howel* || of his Innocence in this respect, that he dared to pawn his Soul on the Truth of it; that such a Calumny as this, so clearly refuted on it's first Appearance in the World should be now published afresh, and a particular Disproof of it required at this distance of time, when the Revivers of the Charge might hope that all Evidence to confront it was wanting, is indeed surprizing, but it is withal very unfair Treatment of that excellent Prince on whom the Charge is laid, and is such a Method of arguing against Fact, that if it be allowed, there is no point in History so well attested but it may be disputed. And yet such a Disproof is what Mr. *Chaundler* has thought fit to insist on and demand from me as necessary for the clearing of the King. The Words of his first Letter are,

For Mr. CARTE.

S I R,

Bath, Feb. 2d. 1713-14.

W Hereas I am inform'd by some that heard you last *Saturday*, that you should say, that the charging King *Charles I.* with being Accessary to the *Irish* Massacre, was a thing that had been sufficiently disproved. I

* Lord *Castlehaven's* Memoirs. p. 39.

|| Land of *Ireland* p. 217.

† *Italian Perspective* p. 289.

take the Liberty to desire you would be pleased to let me know in what Author I may find that, for I protest I should be heartily glad to find it. In Justice to the Memory of the Royal Martyr, in Justice to your self and in Charity to me, you stand bound to do so much for one that from his Heart abhors the Doctrines of King-killing and Country-Enslaving, and is Sir,

Your humble Servant

HEN. CHAUNDLER.

I Received it at 4 in the Afternoon on Tuesday *Feb. 2d.* and read the Contents not without Wonder, that whilst the Roman Catholicks, who seem to have the strongest Temptations in point of Interest, and for the Credit of their Religion, to charge the King with giving them a Commission, do (as Lord *Castlehaven*, *Procurator Walsh*, *F. D'Orleans* and other of their Writers) notwithstanding this, clear him of it, and ingenuously own the Insurrection to be a Rebellion, which it could not have been, had they the King's Commission to warrant them; whilst Truth forces this Confession from them. Any, who call themselves Protestants, and pretend to a greater Purity and more Religion than others who are called by that general Name, should allow themselves in a Practice which those abhor, should dare to repeat the horrid Slander on the King and demand a particular Disproof of it.

One might at least expect that this should be done with Modesty, or with the appearance of it, and that, whilst the Action it self might raise a Clamour and (what is more) deserve it, yet there might be something in the Manner in the circumstances of the Action to recommend it, and procure it a fairer Reception in the World. But it is the Fate of Error to be Confident, and a bad Cause seldom suffers for want of Zeal, a thing very necessary to support it, where Truth and Justice are absent. Such was the Case and Conduct of Mr. *Chaundler*. Not satisfied with writing to me a Letter he fancied I could not answer; he spread it about with an Industry, that Prudence would not have suffered him to use, had he not been sure of Victory, nor Charity have allowed him in, whatever his Persuasions were, without much better Evidence for them, than he has yet produced in the Dispute. He shew'd it to an Alderman of this City, who spake of it publicly at a place where the Members of the Corporation met at Dinner, on *Thursday Feb. 4th.* He sent Copies of it to Shops to be given away *gratis*, that the King's Reproach, and the Credit his Performance was to gain himself, might be spread the wider, and made as Publicke as possible. Three of them were the same Day, at Mr. *Harford's* Shop in the Church Yard, put into the Hand of a Person, who after Evening Service assured me of this particular Fact, and in general, of the multitude of Copies dispersed abroad.

Such Confidence and Zeal in so bad a Cause did not more surprize, than seem to upbraid me for the want thereof in a good one, and obliged me without

without the least Delay, to finish my first Letter to Mr. *Chaundler*, which I had begun the Day before, and sent to him that Evening, and is as follows.

For Mr. CHAUNDLER.

Sir,

Bath, Feb. 3. 1713-14.

Yesterday I received from you a Letter, wherein you tell me that you are inform'd by some who heard me last *Saturday*, that I should say that the charging King *Charles I.* with being accessory to the *Irish* Massacre, was a thing that had been sufficiently disproved.

You have not in this point been misinformed: I did say, that the Malice as well as Falshood of that charge have been sufficiently proved: And I had reason for saying so: Reason indeed so clear that I thought none could have been really ignorant, either of that Blessed Prince's Innocence, or of the Evidences whereby it is proved.

But since, it seems, you are, and therefore require me to tell you, in what Author you may find it; I do now, in Answer to your Demand, and to give you the Satisfaction you want in this Matter, refer you to Dr. *Nelson's* Collections (a Book to be met with at Mr. *Hammond's*) Vol. 2, pag. 528, 529, 530. Where you may, in the Deposition of Dr. *Ker* Dean of *Ardagh*, see Sir *Phelim O Neal* clearing the King from this unjust Calumny, and declaring, that he could not in Conscience charge the King with it, tho' he had been frequently solicited thereto by fair Promises and Great Rewards, while he was in Prison. You may see Sir *Phelim* every Day of his Tryal asserting the King's Innocency, rejecting the Judges offers of restoring him to his Estate and Liberty, in case that he could bring Proof that he had any Commission from the King for the levying of War, and proving in the most satisfactory manner, that the Commission, which he had formerly pretended to have received from him, was drawn by his (Sir *Phelim's*) own Orders, and the Broad Seal fixed to it, was taken from a Patent of the Lord *Caulfield's* found in the Castle of *Charlemount*; which Mr. *Harrison* (the Man who took the Seal from the Patent and fixed it to the Commission) likewise attests. You may see offers of Mercy made to Sir *Phelim* at his Execution upon the barbarous Condition of falsely accusing King *Charles* in that Point; and may likewise see him under all the Terrors of Death, and the strongest Temptations Man could lie under, bravely attesting that Prince's Innocency, and sealing the Truth of his Testimony with his Blood.

Read the whole and then consider, whether your demand is not effectually answered, and whether any thing can more clearly disprove that (as far as I have heard) only pretence of the Charge against the King, or shew at once more evidently, the consummate Wickedness of that Party, which accused him of so horrid a Crime, and their Inability to make good their Charge.

Both these are still farther cleared by what Sir *Roger Manley* says, in his History of the Rebellions in *England, Scotland, and Ireland*, printed at *London*, 1691. Where after giving an Account of King *Charles's* causing the Mar-

quest of *Ormond* to deliver *Dublin*, then (*A. D.* 1646.) besieged by the *Irish* Army by Land, and block'd up by the Parliament Ships on the Sea Side, into the Hands of the Parliamentarian Rebels, rather than the *Irish*: And after briefly reciting Sir *Phelim Oneale's* Attestation of that King's Innocency, he expresses himself in these Words, *p.* 92. Nor was it only with him (Sir *Phelim*) but with several other Prisoners, that they most impiously endeavoured by Promises of Life, Liberty and Estate, and no less abominable Artifices, to sooth them to Confessions that might entitle the King to that Nefarious Rebellion.

Can the most prejudiced Person read this, without being convinced as well of that good Prince's perfect innocence, as of the exquisite Malice of his Enemies.

You needed not then to have press'd me in so solemn a manner, to produce my Vouchers for what I said, or have challenged me to do it, as I was bound by the very strict Obligations of Justice to the Royal Martyr and myself, as well as of Charity to you. I should have gratified you in your Desire on less Inducements, and given you that Proof which probably you did not expect, and which I hope may be to your Conviction: And tho' you have hitherto laboured under a so very rare and almost singular Misfortune, as not to have met with any Author, that has cleared the King from being accessary to the *Irish* Massacre, (tho' there is scarce an Historian that writes of those times, but clears him) and have never found that it has been sufficiently disproved; yet that now you will own the falsehood of the Charge, or let me know what you will be pleased to allow as a sufficient disproof of it.

I have shewn you, where it is (as any rational unprejudiced Person must think) sufficiently disproved: Tho' I might with better Reason have demanded of you, where it was ever proved. This should have been done before a Vindication could be necessary, and it was reasonable to expect it: Since Matters of Fact, as they are too stubborn to allow of tedious Cavils, are withal plain enough to admit of an easy Proof. And yet what Proof can be brought for the Charge? None that deserves the Name, or would be allowed the Authority of a Testimony in the most trifling Instance; and therefore certainly ought not to be allowed in the Case before us, against a Person in the highest Station, and for a Charge of the blackest Nature, in proportion whereto the Proof ought to be the clearer.

Lord *Clarendon* (*History of the Rebellion, vol. 1. Book 4. p.* 238.) says, it is a Calumny without the least Shadow or Colour of Truth. And when we consider its Inconsistency, with the general Character of that Blessed Prince, and more particularly with that extraordinary Tendernefs and compassion of Nature, which was remarkable in him, and which (says Lord *Clarendon's* History, *vol. 3. Book 11. p.* 197.) restrained him from ever doing an hard hearted thing; with his Sentiments in point of Religion and Zeal, for the Constitution of the Church of *England*, for which he dyed a Martyr; with the whole Conduct and in a manner every action of his Life; with his most solemn professions and Appeals to God, who knew his Heart; see his *Εἰκὼν Βασιλική*, *c.* 12.) nay, and with his very Interests too; for he never recovered the Dis-

advan-

advantages, which the very charging of this Calumny brought upon him; and that it had for its Support the weakest Foundation imaginable, the Pretence only of Rebels, who would be glad at any Rate to make the best of their Cause, and might get a Broad Seal in a Way easy to be accounted for, and which every charitable Man's Thoughts would soon suggest to him: Can we think that any Man, who was very willing to believe it true, could easily receive a Charge of such a Nature, or demand a particular Disproof of what was never proved, and is so improbable in every respect?

Tho' therefore such a Disproof be not in it self necessary, I have nevertheless, in Compliance with your Desire, and in Obedience to those Obligations you tell me, I lie under to do so much for you, laid it before you.

And now let me add, that the same Considerations of Justice and Charity require you now to use your Endeavours to vindicate the Royal Martyr from this Calumny. You cannot but know how it has been revived within these few Years; and with how degenerate and base a Spirit, with how bitter a Rancour, a Rancour reaching even beyond the Grave, which puts a Period to common Hatreds, some have trampled on the Ashes of that Blessed Prince, and the Calumny probably has found Belief with many.

And since it is the Duty of every one (as he has Ability and Opportunity) to do Right to the Injured; I hope it will be your Business to undeceive all that you know labour under so unjust and uncharitable a Mistake. Such a Measure of Justice may surely be expected from one, who professes to abhor from his Heart the Doctrine of King-killing. I would fain persuade myself, that in this you know your own Heart, a thing, which as it is deceitful above all things, often deceives a Man's self; and that you would not take up Arms and fight in the Field against your Prince, and use your Sword to slay him there whom you would not murder solemnly and deliberately out of it; and that by the Doctrines of Country-enslaving you do not design in the Use of that Term, to throw a Reflection on any Doctrine of Christianity, or to represent the Duties of Passive Obedience and Non-Resistance, (Duties which Primitive Christianity practised under the greatest Trials, and which the Church of *England* has gloried in) in an odious as well as false Light. For if you do, be assured that your Pretences to abhor from your Heart the Doctrine of King-killing are vain, whilst you only boggle at a particular manner of doing the Act; and you would do well to consider, whether a Duty, which is enjoined by the Laws of the Land can deserve this Character of Country-Enslaving, and what he deserves that gives it.

I am, Sir,

Your Humble Servant,

THO. CARTE.

To

To what I say of Sir *Phelim Oneal* in this Letter, I can't think it necessary to add any thing, unless it be one Remark out of an Account of his Trial, which I have now before me, and have often heard from a very worthy Clergyman, who was born in *Ireland* before the Time of the Trial, and whose Uncle, from whom he had the Relation, was present at it in the *Chancery Court of Dublin*, where the High Court of Justice sat, the Commissioners whereof were directed by a Committee, that sat in an adjoining Room, call'd the *Chancery Chamber*, what Questions they should propose to *Oneal*; a Communication being kept up by means of a Messenger who went constantly between them, and represented to the Committee all Proceedings in the Court, and brought Instructions to the Commissioners on every Occasion, speaking to them thro' a square Hole in the Wall; and the Remark is this, that Sir *Phelim* seems to appear in the Court with a Remorse for the Sins of his Life and the Blood he had shed in the Rebellion, and with an unfeigned Desire of washing away the Guilt of his former Crimes by a sincere Repentance of them. And therefore when the Commissioners, whose barbarous Endeavours to extort from him an Accusation of the King, during the course of his Trial, (which was drawn out to the Length of several Days, that he might be work'd upon in that Time, he had resisted with a Constancy, that could hardly be expected in his Circumstances, owning that he had shew'd a Commission, but it was of his own Drawing, he having been bred in the Inns of Court in *England*, and the Broad Seal fixed to it, as above related; when they pressed him to plead this Commission as given him by the King; he answered, that he would not increase his Crimes by accusing an innocent Man who was dead, herein shewing a Remorse that justly upbraids the Impenitence of those Fanatick Regicides who suffered here in *England*, and such a Regard to Truth and Justice, and concern for the Honour of an injured Prince, that we have Reason to wish a sort of Protestants among us would imitate.

On *Feb. 5.* in the Morning, I received from Mr. *Chaundler* the following Letter.

For Mr. THOMAS CARTE.

Sir,

Bath, *Feb. 4.* 1713-14.

Yours I just now receiv'd. I thank you for the Favour of a Reply to mine of the 2d. Instant. You may assure your self, if it had contributed in the least to my Satisfaction, I should not have dissembled it. But it does not touch upon the Matter, that occasioned my giving you the Trouble of my first Writing to you, which was your reflecting upon Mr. *Baxter* (and Dr. *Calamy* his Abridger) with respect unto the Business of the Marquess of *Antrim*. A Story printed in Mr. *Baxter's* Life near eighteen Years ago, and which, if it has been proved to be false, I protest I have been so unhappy as not to have met with that Proof, which Proof (if such there be) I declare in
the

the Presence of God, I will heartily thank you for directing me to; and this, whatever you think, I think a sufficient Reply to yours.

I am, Sir,

Your Humble Servant,

HEN. CHAUNDLER.

He calls this a Reply to my Letter, tho' it takes not the least Notice of any one thing said in it, and refers me to a Story, which I never heard, and which being founded on the Conduct of a private Man, might, at the Distance of 70 Years from the Time of his Actings be hard to be confuted, or if it was to be set in a true Light, yet the doing this would require more time than I had to spare, and greater Pains than my Constitution was able to bear.

On these Accounts, many who have the justest Regard to the Royal Martyr's Honour, thought it not proper for me to engage further in the Dispute, or at least, that it was not necessary to clear a Story whose Falshood might sufficiently appear to all unprejudiced Persons, by its attacking a Character so well established as his. But being enter'd upon the Controversy, and challeng'd in particular to clear this Story, being made sensible of the Prejudices whereby many were drawn aside to believe the horrid Charge against him, their Confidence in the Truth of this Story, the only Pretence left to uphold the Charge, and the Triumphs that would ensue a Neglect of refuting it, and being likewise verily persuaded that every Member of that Church, for whose Cause he died a Martyr, owes more to the Memory, the Remains of King *Charles*, than a bare Hazard of his Health, I resolved, notwithstanding the Precariousness of that and the Business of the Place, to set about refuting it: And after reading over all the Histories, Pamphlets, and Accounts that I could procure, relating to the *Irish* Rebellion, and the Conduct of Persons during the Continuance of it. I drew up the following Letter at those Hours which I could borrow from the Night, and as it has been thought to contain a clear Vindication of King *Charles*, from the Aspersions thrown upon him in the Story which gave Occasion to it, I now publish it to the World without any Alteration.

For Mr. CHAUNDLER.

S I R,

Bath, Feb. 19. 1714.

I Received yours on the 4th Instant, in which you tell me that my Letter of the 3d has not contributed in the least to your Satisfaction, so that (it should seem) the black Charge against King *Charles* I. of his being accessory to the *Irish* Massacre is still in Possession of you, and is not, in your Opinion, sufficiently disproved. It would have been some Satisfaction to me, had

had you told me what you will be pleased to allow as a sufficient Disproof of it, and what will give you any Degree of Satisfaction in this Point. But instead of doing this (as I press'd you to do) you, without taking any Notice of what I urged, think it a sufficient Justification of that very hard Opinion you have entertained of King *Charles*, to refer me to (what you call) the Business of the Marquess of *Antrim*. This you do without telling me, that you'll be satisfied if I clear that Matter, so that I am still at a Loss to know what farther kind of Disproof you expect, or when your Scruples will end.

However, to remove (if possible) your Prejudices, and to lay before you those Evidences and Reasons, which every rational and impartial Man must allow to be sufficient for Conviction, I shall add some Considerations to what I urged in my former, and then answer that Story which you lay so much Stress upon in your last.

I have already represented unto you that the Charge has never been proved, that it is wanting both in external and intrinsic Evidence, that it is inconsistent with the King's Character and Conduct on many Accounts, and that the Rebels Pretences to a Commission from him, have been in the most unexceptionable manner refuted by Sir *Phelim O'neal*. Let me now, to make those appear in a juster as well as clearer Light, desire you to consider whether *Fleetwood*, *Ludlow*, and the rest of that factious Crew, who had a Share in the Government of *Ireland* at the Time of Sir *Phelim's* * Tryal (*Feb. 1652*) would ever have taken so base and execrable a Method to stain the King's Honour, and fasten that horrid Charge upon him, had they had any real Grounds for it, and whether their acting thus and their Disappointment in the impious Attempt, must not be looked upon by all sober and good Men, as an irrefragable Proof of the King's Innocency, which notwithstanding all the Arts and Endeavours, the Promises and Threats, the Severities and Rewards, the Bribes and Temptations, which the Power and Wealth of the Nation could enable them to use, with the Persons they solicited to accuse him, could stand the Test of them all, and bear up with so glorious a Success against the utmost Efforts and Assaults, that the most powerful Wickedness, Malice and Cunning could make against it. Had the King been indeed Guilty, less Industry, honest Methods, fewer Temptations, weaker Inducements would have proved his Guilt, whereas nothing but the purest Innocence, and best establish'd Truth, could stand firm in such Tryals as this, and against all Attempts that such Enemies could make. It was the Force of this Truth, which extorted not only from Sir *Phelim* in particular, but from the Rebels in general, from the Commanders as well as Fryars, a Confession that they had no Commission at all from the King, but (as Dr. † *Robert Maxwell* afterwards Bishop of *Kilmore* deposed upon Oath *Aug. 22. 1642*) that they thought it lawful to pretend what they could in Advancement of their Cause, and that in all Wars, Rumours and Lies served many times to as good purpose as Arms, and that they would not disclaim any Advantage.

It

* Borlace p. 302, 304.

† Borlace Appendix, p. 126.

It could be nothing else but the Force of Truth that extorted this Confession from Rebels, who (as appears from the Testimonies of Dr. *Maxwell*, and another Gentleman who was Prisoner amongst them, both examined upon Oath) * were desirous to raise up against the King as many Enemies, and throw on him all the Odium that they could; and who hated him to such a Degree, that some of them, and they of Note among them have said, That † if they had his Majesty in their Power, they would Flea him Alive: Others, that they would give a great Sum of Money to have his Head, that however they would have the Kingdom and their Will of him; that they would have an *Irish* King, and regarded not King *Charles* the King of *England*: That they had a New King and had Commission from him for what they did; and that they would not be contented with the Conquest of *Ireland* alone, but would drive King *Charles* with his whole Posterity out of *England*, § so that he and his Posterity should be afterwards *Profugio in Terra Aliena in æternum*, Wanderers in a Foreign Land for ever, a Work, which they thro' Impotence left to that factious Race (whose inconsistent Malice would pretend that the King should give his Commission to those who hated him thus outrageously, the better thereby to enable them to execute their Designs against himself, and to deprive him of his Kingdom and Life) by a more successful Rebellion to prosecute, and in too great a Measure accomplish.

To mention a publick Act of the whole Body of Rebels, which evidently shews their Want of any Commission or Countenance from his Majesty. The || Preamble of their Remonstrance delivered (by the Lord Viscount *Gormanston*, Sir *Lucas Dillon*, and Sir *Robert Talbot* to the King's Commissioners, who were authorised to hear their Proposals) at *Trim* in the County of *Meath*, *March* 17. 1642. quotes those Words of his Majesty out of his Commission to hear what they had to say, in ** which he expresses his utter Detestation of that odious Rebellion, which the Recusants of *Ireland* had without Ground or Colour raised against him, his Crown and Dignity. Words not spoke in a Corner, but under the Great Seal of *England*, and even in that Commission which those false Accusers were to see and hear read, Words that stung them to the Heart, which the King would not have used, had he not been perfectly Innocent, nor they have born had they been less Guilty, and which sufficiently provoked them to plead that Authority which they had so falsely pretended, had they had the least Shadow for so black a Calumny, and yet they quote them without pretending in the least to the King's Approbation of their Rebellion, and with an Acknowledgment of his real Abhorrence thereof, which Abhorrence therefore they use their utmost Endeavours to remove.

These

* See Letter from the Lords Justices and Council to King Charles, dated March 26. 1642. † R. Cox Append. 4. p. 6. 7. &c. § Rushworth, Abridged, Vol. 4. p. 190. || Nalson, Vol. 2. p. 528. Sir R. Cox Append. 5. p. 15. ** Earl of Orrery's Answer to W. p. 29.

These Things, one would think, might be sufficient to prove the King's Innocency, and to shew the Falshood of all Pretences to a Commission from him: But this will farther appear if we consider that the granting a Commission or Authority in the Case before us to any Person whatsoever, is contrary,

1. To the Publick * and Authentick Acts of the King himself and Lords Justices, to the Proclamations of *October* 30, of *Jan.* 1. and *Feb.* 8. 1641. Acts of such a Nature as to vacate, or at least to render useles all Commissions inconsistent with them, and granted in a clandestine Way if any could be so uncharitable as to suppose that the King would grant any for the Crimes of Rapine, Murder and Rebellion, or so Senseless as to imagine that he would grant it for no End, or for one that it could serve but a Day, (or (strictly speaking) but a Week.

2. To the King's Surprise at the breaking out of the Rebellion, express'd in his Letter to the † Marquess of *Ormond*, wrote from *Edenburgh*, *October* 31. 1641. and to his Care in improving every Hint and Intelligence he receiv'd of ill and seditious Designs, for preventing them, see his Letter wrote by his Order to the Justices of *Ireland*, *March* 16. 1640.

3. To his Professions of having had since the beginning of that monstrous Rebellion no greater Sorrow than for the bleeding Condition of the Kingdom of *Ireland*, and of his being grieved from the very Soul at the Calamities of his good Subjects there.

4. To his repeated solemn Appeals to God, and calling him to Witness for the Truth and Sincerity of his Professions.

5. To his whole Conduct and Actions, to his zealous Endeavours and Use of all Means in his Power, that timely Relief might be sent over to the Succour of the distress'd Protestants; to his leaving the Management of the War there to the Parliament, and parting with his Prerogative, already sufficiently pared, that if possible to move them by such a Sacrifice, it might be carried on the better; to his consenting to all Propositions (how disadvantageous soever to himself) that were offered to him for that Purpose; to his sending over immediately, on the first News of the Insurrection of the Rebels, 1500 Men to oppose them, and sending afterwards Arms and Ammunition in such Proportion and Quantities, and at such Times as he could very ill spare them; to his inflexible Resolution (even after the fatal Battle of *Naseby*) when his Affairs seem'd desperate, that if the Condition of them were still more desperate, he would never redeem them by any Concessions to the *Irish* Rebels that must wound his Honour and Conscience, and that let his
Cir-

* *Borlace*, p. 53. 34. 65. 30. *Append.* 3. p. 21. 6. p. 27. † *Sir R. Cox. Append.* 49. *Rushworth Abridgment*, vol. 3. p. 168.

Circumstances be what they would, * he would run any Extremity, rather than do the least Act that might hazard the Religion of the Church of *England*, in which, and for which he was resolved to live and dye; and to his Orders sent from Time to Time to the Marquess of *Ormond*, in regard to which, that Marquess expresses himself (in his Answer to the Address of Thanks from the Two Houses of Parliament in *Ireland*, for the Preservation of themselves and the rest of the Protestant Party there, thro' his Care and Providence, *March* 17. 1646-7) so fully as to prevent all Cavils that may be raised on Account of any Particulars thereof, and gives so remarkable an Attestation of the Justice, Goodness and Piety of them, that I shall here set down his Words, which are these, viz. *And now, my Lords and Gentlemen, since this perhaps may be the last Time that I shall have the Honour to speak to you from this Place; and since that next to the Words of a dying Man, those of one ready to banish himself from his Country, for the good of it, challenge Credit; give me leave before God and you here to protest, that in all the Time I had the Honour to serve the King my Master, I never received any Command from him, but such as spoke him a wise, pious Protestant Prince, zealous of the Religion he professeth, the Welfare of his Subjects, and industrious to promote and settle Peace and Tranquillity in all his Kingdoms, and I shall beseech you to look no otherwise upon me than upon a ready Instrument set on work by the King's Wisdom and good for your Preservation.*

To not only what he did, but what he would farther have done; to his unfeigned Offers of venturing in his own Person all the Dangers of War, of hazarding his very Life for the Defence of his Protestant Subjects in *Ireland*, and for the Chastisement of those perfidious and barbarous Rebels (as he styles them,) and of pawning or even selling his own Parks, Lands, and Houses for this Service.

To not only his constant Expressions of Abhorrence of that Rebellion, but also to his denying all Knowledge of it, with the strongest Asservations, and Declarations of his Detestation of it to such a Degree as to vow that if his own Son had an Hand in it, he would cut off his Head.

To this Consideration likewise, which alone (says Sir R. Cox) must convince all Mankind of the King's Innocence in this Affair, and that is, that an *Irish* Rebellion was the most unlucky and fatal Thing that could happen to his Majesty at that Juncture, it broke all his Measures, and was so evidently against his Interest, that no body could suspect him to contrive it, that does not at the same time think he was mad.

You need but look into the King's first and other Messages to the Parliament about the Affairs of *Ireland*, particularly that of *April* 8, 1642. His Answer to a Petition presented to him at *York*, *April* 8, 1642. by the Earl of *Stamford* and others in the Name of both Houses; his Answer to the Petition of the Protestant Committee for *Ireland*, *December* 1, 1642. and into † Sir Robert Cox's *Apparatus* to the 2d Part of his *Hibernia Anglicana*, to see every Particular of these evidently proved to you.

* Sir Robert Cox, Part 2. Chap. 1. p. 152. † Sir Robert Cox, *Hist. Ireland*, Appar. 10. part 2.

And yet these are such Contradictions as I hope there are very few of so keen and unreasonable a Malice towards King *Charles* as to swallow them for the gratifying it; and if consider'd as they ought, together with the universal confession of the Rebels, in not only single Persons, but in a Body, that they had no Commission from him, and with the other points I have insisted on, must be look'd upon by all impartial and good Men as a sufficient disproof of the Charge against that Prince, as such a Vindication of his Innocence that nothing but the directest Testimony should make him ever suspected, as a Defence of him too strong to be beat down by such weak Attacks, as are made against it in the story of the Marquess of *Antrim*, which I am now to consider, and which, you tell me, was the occasion of your writing to me your first Letter.

Had you told me this before, it might have been answered in my former, but I cannot divine, and that Letter has not a word of the Story, a Story which (as far as I can remember) I never heard of before. It is indeed printed in Mr. *Baxter's* Life, but that is a Book that I never saw till last Week. It was not touched upon in my Sermon, on *January* 30, wherein I only insisted on Sir *Phelim O'neal's* clearing the King at his Tryal and Execution, the truth of which I therefore thought you questioned in your first Letter.

And as for Dr. *Calamy's* Abridgment of Mr. *Baxter's* Life; that is a Book I never read, nor indeed did ever meet with except once, betwixt 2 or 3 Years ago, at the house of a worthy Friend, with whom I had then some discourse about the Revival, which some People have of late Years made, (with what design they know, and honest Men fear) of all the Calumnies that have been ever thrown upon the Royal Family; and therefore I only just mentioned it, as a Book in which this very Calumny has been revived.

Though therefore I am under no particular Obligations to refute your Story, yet since some People have their Reason and Faith under so absolute a Command, and in so entire a Subjection to their own Inclinations and Passions, or the Interests of their Cause or Party, as to reject even the clearest Evidences, if they have but some piece of Secret History, and undated, unattested, studiously concealed Memorandum, or an uncertain Story to oppose to them; and with all the confidence to call things of this nature a sufficient Reply to those Evidences, I shall therefore at large, consider this Story you refer me to, as related by Mr. *Baxter*, and after him by Dr. *Calamy*, and shew how little it can serve your purpose.

Mr. *Baxter* (in his Life, part 3. p. 173. p. 83.) tells us that the Marquess of *Antrim* was one of the *Irish* Rebels in the beginning of that War, (and that at the time) when the horrid Massacre 200000 Protestants were Murder'd. His Estate being sequestred, he sought his Restitution of it, when King *Charles* the 2d was restored. The Duke of *Ormond* and the Council judged against him as one of the Rebels. He brought his Cause over to the King, and affirmed that what he did was by his Father's Consent and Authority. The King referred it to some very worthy Members of his Privy-Council

Council to examine what he had to shew. Upon Examination they reported that they found that he had the King's Consent or Letter of Instruction for what he did. Hereupon King *Charles* the 1^{ld}. wrote to the Duke of *Ormond* and Council, to restore his Estate, because it appeared to those appointed to examine it, that what he did was by his Father's Order or Consent.

This Account of the Story we have there: And in it we must distinguish betwixt Mr. *Baxter's* Assertions and the Words of (what he calls) the King's Letter to the Duke of *Ormond*. The Letter says, that what the Marquess of *Antrim* did (by way of Correspondence, Compliance, &c. as I shall quote presently) was by the King's Orders, and it says no more than this, that the Marquess of *Antrim* was one of the Rebels in the beginning of the War, when 200000 Protestants were murder'd, is purely Mr. *Baxter's* own Affirmation, without any the least ground from the Letter, or any just Foundation in History to support it.

The Letter tells us not the time of the Marquess's Correspondence and Actings, it fixes no Date for the King's Instructions, it gives no Hint to guess at these but from the End and Design of them: Which (it says) was the King's Service, by reducing the *Irish* to their Obedience, and by drawing some Forces from them for the Service of *Scotland*. And this seems to determine the time of both to the Year 1643. Whereas the beginning of the War was 1641.

But had we not this Reason from the Letter it self to fix the Date of these so late, yet a Man of a charitable Temper, of a Christian Spirit, would have judg'd in the most favourable manner, and not have fixed the Date or Time thereof sooner than he had clear Evidence for so doing.

But Mr. *Baxter's* turn would not be served by so Just as well as Candid a way of dealing. He is resolv'd at any rate to make the Marquess one of the first that engaged in that Rebellion which begun with the Massacre; and to interpret what is said of the Kings's Instructions to him, so as to entitle King *Charles* to both.

Is this the practice of a good Man? Or is it any part of that Piety and Integrity, which Dr. *Calamy* tells us, were so conspicuous in Mr. *Baxter*?

But if the Letter does not justify Mr. *Baxter*, what does History? What Account does that give of the Marquess of *Antrim's* Conduct? This I am now to shew you.

But first, before I give you the detail of this, it may not be amiss to observe, as a good Presumption in favour of the Marquess, that the Court of Claims in *Ireland*, after the Restoration, on hearing his Cause, adjudg'd him innocent; And Sir *Winston Churchill*, one of the Commissioners of it, does, (in his *Divi Brittanici*, p. 347.) clear the King from giving any Orders for, or being any ways concerned in that Rebellion. And yet he could not but know what the Marquess of *Antrim's* Actings, and what the King's Instructions were. For as the Marquess's Actions were represented, so the King's Letter likewise was laid before them.

It looks well likewise in the Marquess's Behalf, that he is not mentioned in any of the Lists or Accounts that we have of the Rebels, nor in the Account that we have of those who first appeared in the Province of *Ulster*, (in which Province the County of *Antrim* lies) for the Execution of the Conspiracy; (see *Nelson's Collections*, Vol. II. p. 632) nor in the List of the principal Rebels found among the Papers, in the Clerk of the Commons House of Parliaments Office, (*ib.* p. 888;) nor in the Account we have of them in *Dowdale's Deposition*; (*Borlace's History*, p. 39.) nor in the Proclamation against the Rebels, published by the Lords Justices, and Council, *Feb.* 8. 1641, where those then in Rebellion are particularly named; (*Borlace's History*, p. 65, and Appendix from p. 27 to p. 35.) And to be named in no Catalogue of them, is surely a good Sign of his Innocence, and that he had no hand in the Rebellion.

And how little he was concerned either in that, or in the Massacre, may appear from Dr. *Maxwell's* Depositions before quoted; in reading which you may see some of the Rebels, (who were desirous at any Rate to have him amongst them for a Credit and Support to their Cause) complaining of his (the Marquess's) not taking up Arms, you may see others exclaiming against him so long as the *March* following, at the End of the Year 1641, for that their Cause suffered by his Non-Concurrence. You may see him condemning the Bloodshed and Robbery which they had been guilty of, and which had even then spoiled their Business, and would be their Ruin. You may see others so imbitter'd against him, as to be for detaining him Prisoner, and crying out against the letting him go, after he had been taken by them. Nay, you may see them carrying their Resentments so far against him as to say, he deserved to lose his Head, for saying (as he went thro' *Armagh*, at the latter End of *April*, or beginning of *May*, 1642) that he saw nothing among them (the Rebels) but Desolation and execrable Cruelty, for which God's Wrath and the King's just Revenge hung over their Heads, and would speedily overtake them. What then did the Marquess act in that Rebellion, which the Rebels exclaim'd against him for not joining in? What Hand could the Marquess have in that Massacre, which he so abhor'd, and was so free in expressing his Abhorrence of? Or, with what Face, on what Pretence can the King be charg'd with being accessory to it thro' a Commission given to the Marquess of *Antrim*, when that very Marquess declares, that his Majesty would speedily revenge it, and his Justice would fall on the Heads of those that were guilty of it?

Nor are the other Accounts that we have of the Marquess in History inconsistent with these. For when the *Irish*, after they had, in *March*, 1641, routed *Archibald Steward*, animated with the Success, invested *Colerain*, we find him using all the good Offices (which either his Rank and Condition, Consanguinity or Religion could enable him to use with Success) to engage them to raise the Siege, and not only doing so, but also sending Provisions, and other Relief into the Town. And when the Protestant Army, on, or about *April* the 4th, 1642, came near *Kilcullen*, the Marquess of *Antrim*, with the Dutchess of *Buckingham* his Lady, and the Earl of *Castle-haven*,
came

came in a Coach to visit the Marquess of Ormond, and were kindly received by him, and the whole Army passing by, saluted them.

This is a Passage, seemingly of so small a Moment, that it would seem strange to have it expressly recorded in History, did not Sir Robert Cox (*Hibernia Anglicana*, Part 2. Chap. 1. P. 105. and in his *Apparatus*) tells us, his Design in mentioning it, (*viz.*) To shew the Reader, that the Earl of Castle-haven was not under any Necessity of joining in the *Irish* Rebellion, but might have lived quietly at home, if he had pleas'd. Does not this give us Reason to conclude, that the latter was the Marquess's Practice? For, would not he that so carefully marks the Defection of *Castle-haven*, have observed the same of *Antrim*, had he ever joined the Rebels afterwards, as it is certain he had not done before?

His Sentiments, in the beginning of *May*, with regard to the Conduct of the Rebels, I have already shewn. And in *June*, 1642, he delivered his strong Castle of *Dunluce* into the Hands of *Monroe*, General of the *Scotch* Forces, who confining his Person, he broke loose from his Restraint, and fled, not to the *Irish* Rebels, but (say the Parliament in their Declaration of *July* the 25th, 1643.) into the Northern Parts of *England*, and the Queen having landed at *Burlington*, in *February*, 1642, and come from thence to *York*, he waited on her Majesty there.

About this Time, in the beginning of the Year, 1643, the Army in *Ireland*, under the Duke of *Ormond*, being reduced to unspeakable Extremities of want of all Things necessary to the Support of their Persons, or Maintenance of the War, and no visible Means of preserving the Remnant of the King's good Subjects in that Kingdom from utter Destruction. A Cessation of Arms with the *Irish* Rebels, became absolutely necessary, as you may see expressly asserted in the Lords Justices Letter to the King about the State of *Ireland*, *May* 11, 1643, and in Lord *Clarendon's* History, Vol. II. Book 7. from p. 319. to p. 337. and in the Opinion of all the Members of the Council of *Ireland*. Given under their Hands, the Day that the Cessation was concluded.

This being the Condition of Affairs in that Kingdom, the King by his Letter of *April* the 23d, 1643. impowers the Duke of *Ormond* to treat with the Rebels, and agree on a Cessation with them, giving farther Instructions likewise about it in his Letter of *May* the 3d.

To promote this Work of the Cessation, the Marquis of *Antrim* is sent into *Ireland* by the Queen from *York*, with Letters and Instructions for this Purpose. And his Pass, to go to *Dublin*, and other Parts of the Kingdom, is signed by the Earl of *Newcastle*, *May* the 4th, 1643, which Pass, with the Letters aforesaid, were found in the Marquess's Pocket, when he was taken by *Monroe* (as the Parliament say in the Declaration aforementioned) in the County of *Down*, or as *Monroe's* Letter from *Carrickfergus*, (in the Castle whereof the Marquess was kept Prisoner) dated *May* 23, 1643. tells us more parti-

* Sir Robert Cox, *Hiber. Ang. Part II. Chap. 1. p. 133.*
§ p. 131.

† Borlace, p. 118.

particularly, in a Bark coming from the *Isle of Man*, which Bark he had the good Fortune to hawl as he lay before the Castle of *Newcastle*.

And that this was the Marquess's Design, and the Purpose of those Instructions which he had from the Queen, (the Parliament tells us) appears not only from the Confession of the Marquess himself, but from that likewise of his Servant, Master *Stewart* (who was taken with him) when they were both under Examination before General *Monroe* and the Council of War, *June 12, 1643*.

Some time after this he got his Liberty, and coming into *England*, settled at *Oxford*. The Cessation was perfected and signed *September* the 15th, 1643; and at the latter End of this Year, the Marquess of *Montros* coming to *Oxford*, and engaging to raise such a Party in *Scotland* for the King, as should oblige the *Scotch* Army to return out of *England*, if he had but some Troops to begin with, and to serve for a Protection to the Royalists that should join him. The Marquess of *Antrim* is sent to *Ireland* with *Daniel Oneal*, (a wise and faithful Servant of the King's, and a Protestant) with Instructions to draw a Body of Men out of that Kingdom, to serve as a Foundation for *Montros's* raising Forces in *Scotland*. This Body was to be sent in *April, 1644*. But (as in the Execution of Designs, unforeseen Difficulties often arise to retard it) did not land in the Highlands of *Scotland*, till about the End of *July* following. These Forces were in number about 1500 (say *Clarendon* and other Historians) and were commanded by *Alexander Mac Donnel*, Brother to the Marquess, and behaved themselves with the utmost Bravery in all the daring Actions and amazing Victories that *Montros* won against the Rebels in that Kingdom.

Whitlock (in his Memoirs, p. 93.) says, these Forces were 2500, and makes the Marquess to be with them in Person, (p. 99,) and all along where-ever he mentions the Marquess, he still supposes him to be in *Scotland*, (see p. 225, 231, 232) even till the End of the Year 1646. But this Account of his seems not to be exact, since those who have given us the most distinct Relations of *Montros's* Actions in *Scotland*, take not the least Notice of the Marquess of *Antrim's* being there. And yet all the Historians that we have to give us an Account of the Affairs of *Ireland*, are as entirely silent as to his being in that Kingdom. Nor have we any mention of him, till after the Conclusion of the Peace, *March* the 28th, 1646. And therefore it would be very hard Treatment to charge him with any Act of Rebellion in that Time, since there is not the least Ground for it, nor indeed can be, when we consider that the Cessation lasted all this while, and was continued from time to time, from *September 15, 1643*, till it ended in that Peace, which was concluded on *March* the 28th, and finally perfected, *July* the 30th, 1646.

And now as Sir *Robert Cox* (in his *Apparatus*) observes, Affairs took a new Turn, and what passes after this, concerns not the Argument, and there is no Pretence of the Marquess's acting by any Orders from the King.

However, to lay before you what History records of him, I find him sent into *France* by the General Assembly of *Kilkenny*, to the Queen and Prince,

in

* *Borlace*, p. 199. *Hib. Ang. Chap. I. p. 201.*

in *January* 1647, to desire a Lord Lieutenant might be sent over to them. They that went with the Marquess, proposed and obtained of the Queen, that the Duke of *Ormond* might be the Man sent over; tho' in this point, the Marquess dissented from and opposed them, there having been long an open and declared hatred between him and the Duke.

The Marquess returns from *France* in *September*, and on the 29th of the same Month, 1648, the Duke of *Ormond* lands at *Cork*, and in *November* goes to *Kilkenny* to Treat with the Supream Council about a Peace, which is concluded and signed *January* 17, 1648, the *Nuncio* declares against it, but is forced to fly the Kingdom, *February* 23d. However *Owen O'neal* and the Marquess of *Antrim* adhere to him, and stand it out against the Peace which was concluded but 13 Days before King *Charles* was murder'd in *England*, whose Orders therefore surely cannot be pretended for this great Conduct of the Marquess.

His whole Conduct from this time is justly blameable, but it is as cleare, that it cannot be imputed to King *Charles*, and that it was impossible for that Prince to give his Consent and Instructions for it. For whether his Picque against the Duke of *Ormond*, or a desire to save his Estate by compliance with the *Regicides*, and meriting their favour, who had then all the Power of *England* in their Hands, and would soon in all human appearance, reduce *Ireland*; Whether either of these were the Motives of his Actions, 'tis certain he not only stood out against the Peace with *Owen O'neal* (who was at last by *Daniel O'neal's* Interest and Negociation brought over to join the Duke of *Ormond*, *October* 2, 1649) but by means of his Priest *Kelly*, carry'd on an Intrigue with *Cromwell* from the time of his Landing, which was *August* 15. 1649, and from the time of the taking of *Ross*, which was in the beginning of *October*, the Correspondence became the more intimate and effectual, so that as Sir *Robert Cox* (*Hibernia Anglicana*, part 2. chap 2. p. 55.) says on *May* the 9th, 1650, his officious desires to serve that Party prevailed with him to importune a Conference with Commissary General *Reynolds* and the Bishop of *Clogher*, and afterwards with that Bishop, and Colonel *Owen*. In which tho' the design was to asperse the memory of King *Charles* the 1st, and to justifie and encourage his Enemies; and so *Ireton* understood it, as is manifest from the favour and kindness he thereupon shewed to that Lord, yet when discoursing about a Commission being granted by the late King to the *Irish*, for their rising and acting as they had done in *Ireland*, on *October* 23, 1641, and after, the Marquess of *Antrim* said, that he knew nothing of any such Commission.

Not long after this Conference, *Antrim* had a Pass for going into *England*, and an Order from *Ireton* to go among his Tenants, and levy what Money, he could for his Journey. By virtue whereof he raised 1000 l. and came to *Chester*, *December* 3, 1650, carrying with him likewise a Letter from *Ireton* to the Councill of State, importing that he the Marquis of *Antrim* had done the Parliament Army singular Service since the first Day they came before *Ross*, and so recommended him to their favour, to compound for his Estate (for which he had nine Months time given him,) for two of which he was to

be protected from all suits, and the rather for that it did not appear, that he had an Hand in the beginning of the Rebellion.

Having thus traced the Conduct of the Marquess of *Antrim*, thro' the whole Course of those Rebellious Times, it will help us to explain the several particulars contained in that Letter, which Mr. *Baxter* makes the great ground of the Charge against King *Charles* the 1st, and which he says King *Charles* the 2d. wrote to the Duke of *Ormond* and Council.

This Letter was wrote by King *Charles* the 2d's Order, *July* the 10th, is signed *Henry Bennet*, and passed the Signet Office, *July* 13. 1663, and is to be found at length in *Ludlow's* Memoirs, vol. 3. from p. 353. to p. 357.

In it we may observe King *Charles* the 2d's Averseness, to interpose in behalf of any, that by their Miscarriages in the late Rebellion in *Ireland*, had made themselves unworthy of his Grace and Protection; an Averseness that was notorious unto all Men, and particularly shewn in the Case of the Marquis of *Antrim*. We may observe his Jealousy in this Point so great, as only on a general Information of the Misbehaviour of the Marquess towards himself and his Father of blessed Memory, (the proof of which was deferr'd) to deny him admission into his Presence, and to Imprison him in the Tower of *London*, to continue him there under a strict Restraint for several Months, to send him afterwards to *Ireland* without interposing the least in his Behalf, and to leave him there to undergo such a Trial and Punishment, as should by the Justice of the Kingdom be found due to his Crime.

We may likewise, whilst the King was expecting, that pursuant to the Information he had received, some heinous matter would be objected and proved against him, see the Marquess after many Months attendance there, and 'tis to be presumed, after such Examinations as were requisite, dismiss'd without any Censure, without any transmission of Charge against him, and with a Licence to transport himself into *England*. These are all good Signs of the Marquess's Innocence, and make for him.

Nor does what follows in the Letter, give any just grounds for Mr. *Baxter's* uncharitable Inferences from it. It takes Notice of the Marquess's meriting by his former Actions the favour and protection of the King, and of the many Services he had done, and the Sufferings he had undergone for his Affection and Fidelity to the King's Royal Father and himself. Which Services were (as appears from History, from the very Letter before us, and from the Act which restored the Marquess to his Estate) his reducing the *Irish* to Obedience, drawing Forces from them to send to *Montross* in *Scotland*, and not only assisting King *Charles* the 2d. with Arms and Ammunition, whilst he was in the West, but also furnishing him with Ships to make his Escape into Forreign Parts, when his Armies were defeated in the West.

In a Sense of these Services, the King recommended to the Lord Lieutenant, to move the Council of *Ireland* for preparing a Bill to be transmitted over, for the re-investing the Marquess into the Possession of his Estate in that Kingdom.

The Lord Lieutenant and Council indeed (as appears from the Letter) were of Opinion, that such a Bill ought not to be transmitted. The Reasons of

of which Opinion, they give in their Letter of *March* 18. which they sent over to the King, with a Petition from the Old Soldiers and Adventurers.

The equity of the Petition consisted only in this, that they had been peaceably possessed of the Marquess of *Antrim's* Estate for 7 or 8 Years, were very desirous to keep it longer, and should suffer if it was taken from them. And the Reasons of the Council were only, that they were informed, that he (the Marquess) had put in his Claim before the Commissioners appointed for executing the Act of Settlement, and that if he was by them adjudged Innocent, there was no need of the Bill, but if Nocent, it was not consistent with their Duty to transmit such a Bill, as if pass'd into a Law, would be a prejudice to so many Soldiers and Adventurers.

These Reasons (you see) charge nothing against the Marquess, and the Council only desire, that his cause may be determined by the Commissioners for executing the Act of Settlement.

The King however causes all the Letters and Petitions sent to him to be examined by several Lords of the Privy Council, who, after a full Hearing of what could be alledged on both sides, make this Report, that they have seen several Letters, all of the Hand-writting of King *Charles* the 1st. to the said Marquess, and several Instructions concerning his treating and joining with the *Irish* in order to the King's Service, by reducing them to their Obedience, and by drawing Forces from them for the Service of *Scotland*. That (besides the Letters and Orders under his Majesty's Hand) they have receiv'd sufficient Evidence and Testimony, of several private Messages and Directions sent from King *Charles* the 1st, and from his Queen, with the Privy and Direction of the King her Husband, by which they are persuaded, that whatever Intelligence, Correspondence, or Actings the said Marquess had with the Confederate *Irish* Catholicks, was directed or allowed by the said Letters, Instructions and Directions, and that it manifestly appears to them, that King *Charles* the 1st was well pleased with what the Marquess did, after he had done it and approved the same.

This is the Passage of the Letter and the Report of the Members of the Council which Mr. *Baxter* founds his Charge against King *Charles* the 1st upon, and with Regard to which Report the King declares at the End of the Letter, that he cannot but in Justice, and after a strict Disquisition into the Actions of the Marquess, declare, that he finds him Innocent from any Malice or Rebellious Purpose against the Crown; and that what he did by way of Correspondence or Compliance with the *Irish* Rebels was in order to the Service of his Royal Father, and warranted by his Instructions and the Trust reposed in him; and that the Benefit thereof accrewed to the Service of the Crown, and not to the particular Benefit and Advantage of the Marquess. And the whole plainly relates to the Correspondence and Actings, which the Marquess had with the Rebels, in order to get Forces for *Montross's* Assistance, or to make a Peace or at least a Cessation with them, which was then absolutely necessary for the Preservation of the King's Army in *Ireland*, and the security of his good Subjects there, as I have

observed before, and may be seen likewise in the King's Motives to a Cessation published *October* 19. 1643.

And the Letter so expressly tells us, this to be the end of all the King's Instructions, and the Marquess's Correspondence, that Mr. *Baxter*, did he not read this Letter with the blindest prejudice, or were he not resolved to prevent its true meaning, must see it.

But so fair, so just a Construction would not serve his Purpose. No Body could blame the King for making a Cessation so necessary for him in the Circumstances his Affairs were then in: Or for endeavouring to rid his Hands of one Enemy in *Ireland*, so that he might draw his Forces thence to assist him against other more powerful and dangerous, and not less implacable Enemies in *England*, (as he did, see *Borlace* History p. 139) and to procure others to be sent to *Scotland*.

And if he gave any Body Orders or Instructions for Treating with them for this end, every one must see that this could be no more called giving a Commission to the *Irish* Rebels than his empowering others to Treat with the *English* Rebels at *Uxbridge* could be called a giving them a Commission to fight against him, or an authorising their Rebellion. Nor could the Marquess in Justice be stiled a Rebel, for treating and corresponding with the *Irish* in order to a Peace, any more than those whom the King empowered in *England* for the like purpose were: And therefore Mr. *Baxter*, to blacken the King, and render him as odious as possible, makes the Marquess to be concerned in the beginning of the Rebellion at the time of the Massacre, and insinuates, that the King's Instructions related to his Actings then, contrary to the Words and Sense of the Letter, contrary also to the Accounts which the Histories of those Times give us of the Marquess's Conduct, which (as I have traced it) appears to be such as shews, that the Instructions from the Queen (mention'd in the Letter of *July* 10, 1663) were given to the Marquess at the beginning of the Year 1643, as those from the King were at the end of the same Year.

And that these were those very Instructions and no other, appears undeniably (to the full satisfaction of all that reverence the Royal Martyr's Memory, and the Confusion of those who impiously load it with such heavy Calumnies) from King *Charles* II'd's own Words, deliver'd on this very Subject of the Letter, in the most authentick manner, in an Act of Parliament (*Anno* 17 & 18 *Car.* 2.) in the 2^d About the *Irish* forfeited Estates, and which I think, is the same with that called the Act of Explanation passed *Dec.* 15. 1665. in which he declares, that the Testimony of the Marquess of *Antrim*'s Innocence, which he had given in that Letter of *July* 16. 1663, and which at the end of that Letter, the Duke of *Ormond* and Council are required to transmit to the Commissioners for executing the Act of Settlement, for them to regulate their Proceedings by, was only to declare, that the Marquess of *Antrim* was employed in *Ireland*, to procure what Forces he could from thence, to be transported into *Scotland* for his late Majesty's Service, under the late Marquess of *Montrose*, to the end, that the Conversation of the said Marquess of *Antrim* in the Rebels Quarters, which was necessary for that Service,

Service, might not, according to the Letter of the former Act, render him criminal: These are the Words of that Act of Parliament, and is it possible for any thing more clearly to shew what the King's Instructions, and what the Marquess of *Antrim's* Correspondence and Actings, pursuant thereto, were? Do they not appear to be perfectly innocent? And what then has Mr. *Baxter* to answer for, for representing them otherwise?

I shall only observe one Thing farther, (*viz.*) that by the first Act of Settlement, those that join'd with the Nuncio, and opposed the Peace of 1646, or that of 1648, forfeited their Estates. And as the Marquess, by his Conduct in that Point (which I have represented before) had, according to the Letter of that Act, forfeited his: The Council of *Ireland* (who on all Occasions seem to favour the Cause of the Adventurers) in their Letter of *July* 31, 1663, desirous to keep the Marquess from his Estate, and having nothing else to charge him with, insist on that Clause in the Act, and the Marquess's Conduct in that Particular, and represent to the King, that if the Marquess was restored to his Estate, and adjudged innocent, it would infringe the Act of the Settlement, which was the very Foundation of the Kingdom's Peace and Quiet. The King therefore sensible of the Inconveniencies of breaking through that Act, and of a Precedent of that kind in the Court of Claims (that Court having adjudged the Marquess innocent, though condemn'd by the Letter of the Act) thought fit by the Act of Explanation to provide for the Security of the Adventurers in general, and as the Marquess's particular Case was entitled to his Compassion and Favour, to provide likewise for his Relief, by repealing at once the Judgment of the Court of Claims in his Favour, and restoring him to his Estate by that Act.

And as for that other Story in Mr. *Baxter*, about the Lord *Mazarine's* and others, prosecuting the Cause so far, as that the Marquess of *Antrim* was forced to produce in the Parliament of *England*, in the House of Commons, a Letter of King *Charles* I. by which he gave him Order for his taking up Arms; if this Letter of the King's was one of those produced before the Lords Referees of the Council, it has been already considered and cleared, and as it relates only to the Marquess's drawing Forces out of *Ireland* for the Service of *Scotland*; the King can be no more blameable for giving the Marquess of *Antrim* such Order, than for giving one to the Marquess of *Montrofs* for the like Purpose and for the same Service: But then this does not serve the Purpose of those who quote this Letter, and does not in the least support the Charge they lay against the King.

And yet, if it is pretended, that it is none of those which were laid before the Lords of the Council, it will be hard to account how the Marquess came not to produce it before them for his fuller Vindication: A Man, all whose Fortune depends on his being able to clear or justify his Conduct, is very rarely shy of producing what is necessary for that End; and this and other Circumstances about the Letter, give us just Grounds to suspect the Story, and (till we see better Reason to credit it) to look upon it as one of those Lies which that Faction (whose Rebellion subverted our Constitution, and to whose Malice the King himself fell a Sacrifice) have never scrupled to raise,
and

and to assert with Confidence, whenever they thereby could serve the Interests of their Cause, a Cause indeed that needed them, and could not be supported otherwise.

That the Lord *Mazarine* should petition against the Marquess, is no wonder; he had Part of his Estate, and was desirous to keep it; and though he and Sir *John Clotworthy* (whose Daughter and Heiress he had married) had been engaged with the Faction in those Times, and he then actually enjoyed the Plunder of one of the King's Palaces, yet considering the usual Modesty of the Party, which was so egregious, as hardly ever to suffer them to beg Pardon of the King for their Rebellion, or shew a Sense of Shame for what they had acted against him: We have no Reason to be surpriz'd at that Lord's petitioning, that he might be still allowed to retain what of the Marquess of *Antrim's* Estate he was possessed of.

But that he should petition the Parliament of *England*, and bring the Cause before the House of Commons here, is a Point that may well be question'd. I cannot find it in any Account, but what Mr. *Baxter* refers us to; so that (for ought appears) it stands upon the single Authority of the Writer of the Pamphlet called *Murder will out*, an Authority too wretched and inconsiderable to give Weight and Credit to the veriest Trifle in this Dispute.

The Act of Explanation, which restored the Marquess to his Estate, and which passed Dec. 15, 1665, mentions a solemn Hearing before his Majesty at the Council Board in *England*; and upon a Petition exhibited by several Adventurers and Soldiers (of which in all Probability the Lord *Mazarine* was one) against the Marquess, and the Judgment and Decree of the Court of Claims in his Favour, but gives not the least Hint of any Petition presented in the Parliament of *England*, which surely it would have done, had any been then presented; and it would be too late to present any afterwards, when the King had by Act of Parliament restored the Marquess to his Estate, and thereby put an End to all Disputes about it.

And indeed the Council was the proper Court for the Petitioners to apply to, whereas the *English* Parliament meddled not in the Settlement of *Ireland*; yet the Story makes them apply to a Court before whom the Cognizance of their Cause did not properly lie, and says, that their Petition was presented, but without telling us when. 'Tis dangerous to fix a Time for some Facts, it might discover their Falshood, and therefore it is waved in this Case; and those who are willing to believe the Charge against King *Charles*, are left to imagine, this Petition, presented some time or other, they know not when, to believe a Matter of Fact, without any just Proof, or credible Testimonial of it.

And as to the Letter said to be produc'd on Occasion of this Petition, we are told, that the Original of it was once (as Dr. *Calamy* was informed) in the Paper Office, but now it is we know not where. The Time of its being wrote we are not made acquainted with, and must be therefore at a Loss about the Date of it, as well as about that Part of the Marquess's Conduct, which he produced it to justify. This looks very suspicious indeed; but what more directly proves the Falshood of the Letter, or the Representation made

made of it is, That it is quoted for justifying a Man for doing what he never did, (as you see by the Marquess's Conduct before related) and for giving the Marquess a Commission to take up Arms in the *Irish* Rebellion, which the Marquess himself knew nothing of, and which he was so far from pretending to, or counterfeiting, that (when he was most desirous to curry Favour with the *English* Rebels, at whose Mercy he lay, and to whom he could not possibly recommend himself, more than by accusing the King in this Point) he utterly disavows all Knowledge of any Commission whatever given to the *Irish* for taking Arms; as he does expressly in his Conference before quoted, which he confirmed the Truth of, and attested under his Hand, *August 22, 1650.*

And is not this a fine Story to ground one of the blackest Charges in Nature against King *Charles* upon! A Story that is attended with such Suspicions and Inconsistencies, and is palmed upon us without a Witness to attest it, (for an unknown one is none at all) and stands only on the no Credit of the uncertain Author of a scandalous Pamphlet, * who might, for ought Dr. *Calamy* knows) be the Author also of the Letter he makes the Marquess of *Antrim* to produce, and be guilty of an horrid Imposition on the World, by representing it otherwise, and putting it to a different Purpose than it really served to, and who was certainly of a Party of Men of the same Principles with those, who loaded King *Charles*, when alive, with so many and horrid Lyes, and who would not therefore much scruple aspersing his Memory when dead, if the doing so would advance the Interest of their Cause: A Cause which they promoted by the most abominable Forgeries that ever Men were guilty of, and by the very common but villainous Practice of counterfeiting Authors, forging Papers, Letters and Petitions, and then imposing them upon the World for genuine, of which Practice of theirs you may see several Instances in Mr. *Wagstaff's* excellent Vindication of King *Charles* the Martyr's Title to the *Εἰκὼν Βασιλική*, printed 1711, from p. 116. to p. 132. and p. 12, 13. and in the Earl of *Clarendon's* History.

And now, Sir, to consider briefly Mr. *Baxter's* Conduct and manner of expressing his Sentiments in the Case before us; we may observe with what a Sneer he mentions (what he calls) the egregious Loyalty and Veneration of his Majesty in the House of Commons, which was such, that the Letter produced before them, put them not at all one Step out of the Way which they had gone in.

It seems it did not alter their Sentiments of the King, they still thought (because they knew) him to be innocent of this Charge: For whatever Mr. *Baxter* may think of the Sense and Conduct of the Royalists in this Point, their Judgment and Testimony are not to be laughed at, but will with unprejudiced Men have their Weight, and be allowed as no inconsiderable Vindication of him.

For who could know the King's Innocence and Guilt so well as they? They were the Men that were about him constantly; they knew his Councils,

* *Abridgment of Baxter's Life*, p. 44.

cils, his Secrets, his Actings and Proceedings; they were privy to all his Affairs, were consulted in all the Measures that he took, were necessary to the carrying on of any of his Designs, and best knew the real Sense of his Heart; and if they who are best able to judge of and had the greatest Opportunities of knowing his Mind and Actions; if they cleared the King from this Charge, is it for those who had no such Opportunities, no such Means of knowing them, to dare to accuse him of it?

And as for those without Doors, we know that there is nothing so absurd, so unreasonable and malicious, but some of them will say it; and we know as well a Writer's Meaning that quotes their seditious Speeches; they are a very convenient sort of Creatures for an Author's Purpose; for when he has a mind to say Things he dare not own, 'tis but putting it into their Mouths, and he gratifies his Malice without the Hazard of his Credit, whilst he would be thought to relate other People's Sentiments and not his own; but the Artifice is grown stale and common, every one sees through it, and whosoever the Words are, we know whose Sense they speak.

Now what these are brought in for, is to insinuate, That the King was not against the *Irish* Rebellion: But how can this be imagined? Was not that Rebellion the Ruin of his Affairs? Was it not inconsistent with every Part of his Character? Did he not on all Occasions, and with the most pathetical and vehement Expressions declare, and in all his Conduct shew his Abhorrence of it? And can any honest or good Man suspect him of Insincerity? No, Men generally judge of others by themselves, and it is not so very Strange, that a Race of Men all whose Professions, whose most solemn Appeals to God for the Sincerity of their Promises to make him a glorious King, were false and hypocritical, or those who inherit their Principles, are engaged in the same Cause, and tread in the same Steps, should suspect him to be so likewise: But that they should this, without Evidence to support their Suspicions, in opposition to his nearest Interests, against the whole Tenour of his Actions, and all the Reason of Things. This must raise, if not the Wonder, at least the Indignation of every fair and impartial Person.

With what Pretence to Reason can Mr. *Baxter* make any to suggest, that the Rebels did not belie the King, when they said, that they had his Warrant or Commission? Were not all the Interest of the *Irish*, and all the Malice and Power of the *English* Rebels too weak to shew that any Commission was given them? Did not Sir *Phelim O'neal*, the Head of that Rebellion, under the greatest Tryals and with his dying Words, clear him from this Charge? Did not the Rebels in general own, that their Pretence to it was a Lie? Did they not in a Body wave all Pretensions to a Commission, and acknowledge the King's Abhorrence of their Rebellion? Does not the Marquess of *Antrim* also expressly clear him, and declare, that he knew not of any Commission ever given to the *Irish*? Was ever Innocence better prov'd? Can any thing be added to set it in a better Light, or to expose more shamefully the Malice of those who revive the Calumny?

Nor is the next Insinuation less malicious and unjust, (*viz.*) as if the King with a treacherous Mind, had offered to go himself with an Army into *Ireland* to fight against them.

His Virtues, and particularly his Integrity, were too bright and manifest to all the World, to be tarnished with the base Suspicions of his Enemies: Treachery never made any part of his Character, never appeared in any one Action of his, but was notoriously the main Ingredient in the Composition of his Enemies, and was used by them in the whole Course of their Conduct, so that for them to accuse him of Treachery was the highest Impudence, as their Accusation was the basest Slander.

And as for those Wishes which Mr. *Baxter* puts upon those that were still loyal to the King, *viz.* That King *Charles II.* had rather declared (*viz.* in the Letter of *July* the 10th) That his Father did only give the Marquess of *Antrim* Commission to raise an Army, as to have helped him against the *Scots*. What need of this Wish, when King *Charles II.* has plainly done it, as I have shewn in the Examination of that Letter? Or, of the other Wish, that his (the Marquess's) turning against the *English* Protestants in *Ireland*, and the murdering so many hundred Thousands, had been declared to have been against his (King *Charles's*) Will? And what need likewise of that solemn Addition, containing in it a vile Insinuation and Charge, which we have in these Words? But *quod scriptum erat, scriptum erat.*

For a Man to charge the Marquess of *Antrim* with being concerned in the Beginning of the Rebellion, and with having an Hand in the murder of so many hundred thousand Protestants, and this without a single Fact in History to support the Charge against the Confessions and Exclamations of the Rebels, against the express Testimony of *Ireton* in his behalf, is certainly a Wickedness of a very heinous Nature.

To do this, and to wrest the Words of a Letter, in order to stain the Honour of one of the best Princes that ever filled a Throne, and to impute an Impiety of such a Nature to a Prince of admirable Virtues, a Prince who had been dead many Years, who, as he had led a Life full of Sorrows and embitter'd with the heaviest Calamities, died also in such Circumstances as must move the Compassion of all that have any Humanity in them, and might (one would think) melt the Heart even of his most cruel Enemies, he being murder'd before his own Palace, in all the Pomp of a Triumph, by the most barbarous Rebels under the Sun, and to treat him in this manner, to pursue him even beyond Death, and not let his Ashes to rest in Peace, but to call him from the Grave, to arraign him afresh, and murder him in his Memory, has in it all the Circumstances of Baseness.

To do this, and to lay upon him a Charge, in its Nature inhumane, in its Circumstances incredible, without all intrinsic or outward Evidence, inconsistent with the King's Character, contrary to his publick Acts, to his constant Professions, to his repeated and vehement Declarations of Abhorrence, his solemn Appeals to God, his whole Conduct and Actions, his Offers, his Religion and his very Interest; against the Testimony of all that were about his Person, and of all the Historians who have wrote of those

Times, of Friends and Enemies, of Rebels as well as Subjects, *i. e.* against all the Evidence that the Nature of the Thing will admit of, and in spite of ten thousand Absurdities and Contradictions, is a Practice so full of Horror, an Iniquity of such a Size, as I want Words to express its just Demerit. And yet this is what Mr. *Baxter* has done, with what Conscience let all indifferent People judge, with what End is plain from his own Words, after his false Accusation of the Marquess of *Antrim* and vile perverting of King *Charles* IId's Words and Meaning in his Letter. Upon this (says Mr. *Baxter*) the Parliament's old Adherents grew more confident than ever (they were always confident, and among these Mr. *Baxter*, but now more than ever) of the Righteousness of their Wars, and the very Destroyers of the King, whom the first Parliamentarians called *Rebels*, did presume also to justify their Cause, and said, that the Law of Nature did warrant them.

Here we see the End of horrid Slander on the King, and the Use to be made of it, (*viz.*) to lessen the Horror of his Martyrdom, to shew the Righteousness of the most unnatural and inexcusable Rebellion that was ever raised, and to justify even the Cause of the Regicides.

Such Causes indeed are not to be carried on but by such vile Methods, by a Succession of such Calumnies as have been thrown on the blessed Martyr: But to join in these Methods, and to propagate these Calumnies, whatever Policy there be in it, has certainly in it abundance of Impiety.

But as bad as it is, it is one Degree less execrable than the calling upon Providence to justify it, and to father the horribly unjust and scandalous Aspersions thrown on the King. And yet Dr. *Calamy* (in his Abridgment of Mr. *Baxter*'s Life, p. 43. Edit. 1713.) imputes the Discovery of it to Providence, and says, That as Providence has order'd it, a certain memorable Particularity (*viz.*) the Story of the Marquess of *Antrim*, (which I have refuted) help'd to set this Matter in a just Light, *i. e.* (as he thinks) to shew that King *Charles* was guilty of the Charge. The Falseness of this I have shewn already, and shall only observe farther, that to make Providence order the publishing of a Story, whose Weight is owing only to downright Falseness, or unfair Representations of the Sense of Words, for so base an End, is treading in the Steps of the Rebels of 1648: The Regicides of those Days, we know, called upon God to warrant the murdering of their King in his Person, as Dr. *Calamy* does for the murdering of him in his Memory.

This is a Point, in which Dr. *Calamy* can't call upon Mr. *Baxter* to patronize him in, as he does for quoting the Story of the Marquess of *Antrim* from him: But is there not the same Reason and Conscience to keep a Man from spreading as from raising a Lye? Is it not a very poor Excuse for the Injury done to the Royal Martyr's Honour, by publishing a notorious Calumny of him, for a Man to say he transcribes it from another, and therefore is not to answer for it? Dr. *Calamy* should know better what a Man owes to Truth and Justice, and that he who spreads a Lye, does by that Act adopt it for his own, becomes a Party to it, and makes it his own Act and Deed, and must answer for his publishing, as well as the Author for his inventing it.

And

And as for your own Conduct in this Dispute : That a Man at this Time should dare to load the Memory of the Royal Martyr with so horrid a Slander : That this should be done by you, who have generally passed for a fairer and more moderate Man than most of your Sect, is what I am sorry, as others are surprized to find, and may teach us how to judge of others of the same Party of Men, who have more Warmth in their Nature, and less Caution in their Conduct : That you should do this in the publick Manner that you did, should spread your first Letter with so much Diligence, so much Ostentation, as to place it in the Shops of this Town to be distributed about (of which I was assured by a Person to whom three Copies of it were actually offered on *Feb.* 4. in the Afternoon, before I had sent, or indeed finished my first Letter to you, and which made me hasten the sending that Letter) does not look as if you desired private Information ; but as you had made your Challenge publick, so you expected a publick Dispute : That you should (after I had laid before you the Reasons and Testimonies of King *Charles's* Innocence, contained in my Letter of *Feb.* 3. and represented the Defectiveness of the Charge against him in point of Proof, and the Necessity of its being proved before it could be needful to clear him) still persist in your Demand of having it more particularly disproved, send me yours of *Feb.* 4, and with a surprizing Modesty tell me, you think it a sufficient Reply to what I urged in mine for the King's Vindication, is, what will make me have a modest Opinion indeed of the Effect, which the Proofs that I have now brought of the King's Innocence may have on you towards your Conviction.

I have however answered your Challenge, and cleared the Business of the Marquess of *Antrim*, I have (what has been always thought too unreasonable to be demanded) even proved a Negative, and shewn, that he was not concerned (as Mr. *Baxter* charges him) in the Beginning of the Rebellion or Massacre, and that there is not the least Ground for the false and malicious Interpretation made of King *Charles* the II'd's Sense in the Letter of *July* 10, 1663. I have therefore given you the Satisfaction you desired, and all the Evidence that can be expected about a Matter of Fact ; and may therefore justly be allowed now to require you to make an Acknowledgment of the Royal Martyr's Innocence as publick as your Charge against him was. This is the only Satisfaction that you can make for the Injury you have done his Memory, and Justice exacts it as far at your Hands ; and if you decline doing it, it will give the World no advantageous Opinion, either of your Charity in advancing so abominable a Charge against King *Charles*, or of your Honesty in not retracting it.

I shall take Notice but of one Thing more, and that is the Insults and Triumphs of many on the Delay of this Answer. Well-wishers to a good Cause, be it ever so bad an one, can hardly conceal their Transports at every imaginary Advantage that they gain ; and what little Ground there was for their Triumphs and Confidences, you may by this Time be sensible of ; and it can hardly be needful for me to assure you, that this Delay was occasioned, not so much by the Difficulty of clearing the Point, which is the chief Subject of this, as by the vast Hurry of the Business (of which they could not be

ignorant) incumbent on me in this place, which has been so great that from the Receipt of yours till the Date above, when I begun this Letter, I had not had one Hour any Day to myself, and which has caused me so many Avacations since, so that I have been obliged to defer sending to you till this Day, *February 27.*

I am,

S I R,

Your humble Servant,

THOMAS CARTE.

MR. *Baxter* and Dr. *Calamy*, to support their Charge against K. *Charles*, depend chiefly (as appears from their words quoted in this Letter) on two wretched Authorities indeed; The one is a Letter said to be produced in the House of Commons in *England*, by the Marquess of *Antrim*; The other is the Pamphlet, called *Murder will out*; concerning which, I am to observe that I have search'd for both, with all the diligence I could use, but without success; this is what I might well expect, with regard to the former, since Dr. *Calamy* expresses himself about it in such a manner, * that it looks as if he was Conscious that there was no such Letter in being.

And with regard to the Letter, I only get this Account, which is given by Mr. *Long*, in his Review of Mr. *Baxter's* Life, p. 207. That it is a scandalous Libel, written by one of the Regicides (and as he thinks) by *Ludlow*, and published after the Revolution, when that infamous Wretch dared to return into *England*, in hopes of the protection of the Government, when in his, and other Pamphlets were published about the same time, all the Lies and Calumnies that had been ever raised of the Royal Family were reviv'd; and what regard such an Authority deserves, let any judge.

How far it is from deserving any in the present dispute, I have shewn already, in the Letter I sent to Mr. *Chaundler*, on *February 27*, from whom I have ever since waited for an Answer, but that perhaps is what I have no reason to expect. I might however at least hope for his thanks for giving him that proof of the King's Innocence which he had not seen, and called upon me to direct him to; this being what himself has offered, and bid me to expect. And whoever considers his seeming regard to the doing the Royal Martyr Justice, † his Protestation that he should be heartily glad to find the Calumny disprov'd, his giving me assurance that he would not dissemble any Satisfaction that is given him, his solemn Declaration in the presence of God, that he would heartily thank me for directing him to a Refutation of this Story, will think that these were encouragements enough to hope for thus much from him. For can it be imagined that such Protestations, such solemn Appeals to God should mean nothing, and be attended with no effect; We know in-

* Abridgement of *Baxter's* Life, p. 44. Edit. 1713. † See his 2 Letters.

deed what end they served, and what their meaning was in 1648: But sure those times are not returned, surely men will not now dare to deal freely with God and his Providence, or make their Appeals to him with that Hypocrisy which was practised then: One would in Charity hope that their assurances might be somewhat more to be depended on, and their declarations in the Presence of God made with more sincerity of Heart. But at present in the Case before us, we can only hope this. 'Tis performance must give us assurance of it, and the longer that it is delayed, the weaker our hopes must be. For as Mr. *Chaundler* cannot but know that Justice to the Martyr's Memory, (an obligation which with a needless care he has put me in mind of) requires him to publish his Satisfaction in the proofs of his Innocence that have been laid before him; so his desires likewise (if they are hearty, as he pretends they be) of seeing the impious Calumny disproved, will not suffer him to delay this a Moment, will not let him dissemble his Satisfaction longer.

As for his Promise of Thanks to myself, that, as far as is in my Power, I willingly release him, only desiring that Satisfaction may be made for the Injury done to King *Charles's* Memory, as the most pleasing Return that can be made to me. His Obligations to this, are too plain to be denied, and (may I hope! they) are too strong to be got over, and since I need not with Mr. *Chaundler* more a Knowledge than he has of his Duty, how to act in this Case, let me at least with him have an Heart to perform it.

To provide however against a Neglect, and to supply what has been hitherto wanting on his Part, I have taken this Method to vindicate the King's Honour, and refute the Charge against him; a Method which seems the more necessary, because this Story of the Marquess of *Antrim* is referr'd to as an establish'd Truth, as an authentick Piece of History in p. 7. of a late Pamphlet, *entituled a Letter from a Gentleman at Dunkirk to a Nobleman in London*, who from what is said, p. 21. appears to be a Bishop.

I have but one thing more to add, which is, that I hope, if the Reader meets with any Uncorrectness of Expression in my two Letters, the Haste and Circumstances in which I wrote them, may be allowed as an Excuse for it. But as for the main of the Argument, I desire no Favour, for if I had not thought it clear, should not have troubled the World with it; and I cannot think this Nation yet so generally poisoned with ill Principles, or to have so little Sense of Gratitude to King *Charles*, or Regard for his Memory, as not to receive favourably a Vindication of him, or to make it needful to use any other Apology for publishing it.

BATH, May 12, 1714.

POSTSCRIPT.

SINCE it grates hard on human Nature, (such is the Corruption of it,) to recant any Error, and scarce any thing is a greater Tryal of a Man's Humility, and Regard to Truth and Justice, to dispose Mr. *Chaundler* the more

more readily to a publick Vindication of King *Charles* from the Charge against him, and to an ingenuous Acknowledgment of his Error, and of the Falshood of his Prejudices in that Point, let me recommend to him the Example of some of his own Brethren, not only that of Mr. *Henderson*, whose Recantation and Repentance are already publick enough, and whose Memory is valued nothing more than for this part of his Conduct; but that likewise of Mr. *Vines*, a very celebrated Man among the Presbyterians in the Time of the Rebellion; of whose Sentiments of King *Charles* after the Treaty at *Uxbridge*, take this Account as it was given about the year 1675, by Mr. *Nathaniel Gilbert* of *Coventry*, in an Information subscribed by his own Hand; the Original whereof is in the Custody of my Father now living in *Leicester*, and Minister of the Church of *St. Martins* there, to whose Grand-mother the said Mr. *Nathaniel Gilbert* was half Brother there, and what I here publish, is taken from an attested Copy of it, now lying before me.

When Mr. *Vines* returned from the Treaty at *Uxbridge*, Mr. *Walden* being at *London* with Mr. *Nathaniel Gilbert*, News was brought to them, that Mr. *Vines* was returned, whereupon they both went to Mr. *Vines*, who after usual Ceremonies between Friends, said with great Affection, Brother *Walden*, How hath this Nation been fooled? We have been told that our King was a Child and a Fool; but if I understand any thing by my Converse with him, which I have had with great Liberty, he is as much of a Christian Prince, as ever I read or heard of since our Saviour's Time; he also said he is a very precious Prince, and is able of himself to argue with the ablest Divines we have.

Item, That we gave such undeniable Reasons for Episcopacy, &c. that the World could not answer them, that he had convinced him that it was agreeable to the primitive Times.

As for his (meaning the King's) Clergy, there is no Fence against their Flails, they are a great deal too hard for us.

That this, and much more to the same Purpose was affirmed by Mr. *Vines* to Mr. *Walden*, is attested by *Nathaniel Gilbert*.

Among the other Things affirmed by Mr. *Vines*, my Father well remembers Mr. *Gilbert* told him this Expression of his in relation to the King, viz. *That among all the Kings of Israel and Judah, there was none like him.*



A Most Certaine and True RELATION of a Strange MONSTER or SERPENT, found in the Left Ventricle of the Heart of JOHN PENNANT, Gentleman, of the Age of 21 Yeares. By EDWARD MAT, Doctor of Philosophy and Physick, and Professer elect of them, in the College of the Academy of Noblemen, called the *Musæum Minervæ*: Physician also Extraordinary unto her most Sacred Majesty, Queene of great Britany, &c. 1639.

To the Right honovrable Lord and highly renowned Peere of this Kingdom, EDWARD Earle of DORSET, &c. Knight of the most Noble order of the garter, Lord High Chamberlaine unto her most Sovereigne Majesty, QUEENE of great Britaine, &c. And one of the Lords of his Majesties most honourable privy Councell,

Edward May wisheth all health and glory.

My LORD,

FOR this Treatise I seeke no patronage, for if the Relation and the Author cannot defend themselves, let them both suffer. A Swallow flies better than a Swanne, though his wing be lesse: And one little Diamond will buy 17. of those stones that were drawne to S. Paules Church of 17. Tunnes: yet whether this Description of mine be good, or great, worthy or otherwise, it is not dedicated to your Honour as a matter presuming towards your worth, or presence, but as a publick obligation in the face of the world, of my future and more solid gratitude: You have honoured me before the Noble Peeres, and highest Councillors of the Kingdom: You have otherwise done me real Favours, what am I, or what is in me that you have not conquered? and not by these benefits to me only, but these many years my observations of your most Noble nature, your more than human partes, your vast and incredible comprehension of all things, both essentiall and accidentall to your place and dignity. Your innumerable merits and that universall acclamation of all men whatsoever, have made me more your humble servant than you know, and when after a short space God shall give me to sit a little quiet, tending mine own affairs, your Lordship shall see, not by my writings but by my doings, that I am more your Lordships then any French or thrice devoted servant.

A Pre-

A Preface to the Reader.

What my designs are in the *publishing* of this History, the Reader may find every where in it, to be no other than the *Conservation* of the workes of God, and nature, and *preservation* of men: But for the *Printing* of it in *English*, I have neither end nor intent: For these two Years it hath been neglected by me, and perused up and down in the hands of the best, and best learned, who have desired satisfaction touching so rare an ostent: for the young Gentleman in whom it was found, deceas'd the 6th of *October*, in the year of our Lord, 1637. My intention in this Description was for the Continent, and not for our Islands only, wherefore I stayed my hand till some opportunity to publish some other Lattine Treatises of my own with it; which many yeares have been desired: But now this being still out of my hands, and licenced for the presse before any notice given me; for the Satisfaction of our own nation, and for the benefit of them who desired the printing of it, I have freely given way to pleasure any who shall desire to read it: wherefore if *Platonickall* and specificall Ideas do correspond: and the readers honest mind answer my sincere truth and good wishes, I have my end.

The CONTENTS.

§. 1. **T**He Preface.

§. 2. The History itself.

§. 3. The occasion of this description: and who were present.

§. 4. How Hippocrates and the Ancients are to be understood, who said that the heart was not subject to any disease, as also an enumeration of diseases of the heart.

§. 5. How such Monsters are begotten or bred in the heart.

§. 6. That these strange generations are caused by the Temperament individuall.

§. 7. What light and help men may have by such relations, and such resolution of this difficulty as in the former Paragraph is set downe: and how that in latent causes some exteriour signature, or beames discover the disease.

§. 8. That all creatures, things in the world, and diseases have their radij, as well as the Starres of Heaven: provided by Frier Bacon, and that most learned Philosopher Alkindus, and by reasons and experience, and that there is no action but per radios, and that there is no action immediatione suppositi, but onely immediatione virtutis.

§. 9. How some Physicians have prescribed against such diseases.

§. 10. One reason why these occult maladies are so seldome found, and never cured, the many benefits of frequent dissections.

To the Right Worshipfull Sir THEODORE MAHERNE Knight,
Chiefe Physitian unto his Most Soveraigne Majesty, King of great Brittain,
&c.

Edward May wisheth all health.

§. 1.

S I R,

AMong those many favours you have offorded me, your private, sweet, most familiar and long Colloquies with me have been singular: While you laying aside important affaires, out of an admirable candour and love to Learning, (in which few excell you) vouchsafe sometimes to treat with me concerning occult *Philosophy* and most sacred medicines: In one of which meetings, as I had laid open what I had found in the *Sinister Ventricle* of the heart of a young Gentleman, which you desired me to describe while the *Species* were yet fresh in my memory, as others many both Physitians and Friends have done also: So here I have done it: And do first communicate it unto your selfe, as a small *τεμπριον* of my certaine knowledge of your great and admirable perfections in many Sciences, necessary to him who is Physitian to Princes; and of my singular estimation of them: As also to sow some seeds of future Discourses, both new and worthy of that saving and divine Magick which we both professe: Well knowing that good use may bee made of this History by all Physitians, and profit unto many, as I have partly declared in the Subsequents.

It is an ostent and prodigy, strange and incredible which I am to paint: And if in many Physitians of best esteeme, and sincerity I had not found Relations very like it, mine owne heart would not have given credit to mine own eyes and hands when first I found it: But you have found one like it in the heart of a Noble Lord; but when you have seen this, I shall know whether so grown, or of this forme, or otherwise: Let the Vulgar and Ignorant, beleeve it, or not believe it, Physitions and knowing men (as you do) will receive it: And therefore briefly the certaine History and true Relation is this.

§. 2.

THe seventh of October this yeare current, 1637 the Lady *Herris* wife unto Sir *Francis Herris* Knight, came unto me and desired that I would bring a *Surgeon* with me, to dissect the body of her Nephew *John Pennant*, the night before deceased, to satisfie his friends concerning the causes of his long sicknesse and of his death: And that his mother, to whom my selfe had once or twice given helpe some yeares before concerning the Stone, might be ascertained whether her Sonne died of the Stone or no? Upon which intreaty I sent for Master *Jacob Heydon Surgeon*, dwelling against the *Castle Taverne* behind *St. Clements Church* in the *Strand*, who with his Man-Servant came unto me: and in a word we went to the house and Chamber where the dead man lay: We dissected the naturall Region and

found the bladder of the young man full of purulent and ulcerous matter : The upper parts of it broken, and all of it rotten : The right kidney quite consumed, the left tumified as big as any two kidneys, and full of sanious matter : All the inward and carnosse parts eaten away, and nothing remaining but exterior skins.

No where did we find in his body either Stone or Gravel. The Spleen and Liver not affected in any discernable degree, only part of the Liver was growne unto the Costall membranes, by reason of his writing profession.

Wee ascending to the Vitall Region, found the Lungs reasonable good, the Heart more globose and dilated, than long ; the right Ventricle of an Ashe Colour shrivelled, and wrinkled like a Leather Purse without Money, and not any thing at all in it : the *Pericardium*, and Nervous Membrane, which conteyneth that illustrious Liquor of the Lungs, in which the Heart doth bath it self, was quite dried also : The left Ventricle of the Heart, being felt by the Surgions Hand, appeared to him to be as hard as a Stone, and much greater than the right : which upon the first sight gave us some cause of wonder, seeing (as you know) the right Ventricle is much greater than the left : Wherefore I wished M. *Heydon* to make incision, upon which issued out a very great quantity of blood ; and to speake the whole verity, all the blood that was in his body left, was gathered to the left Ventricle, and contayned in it *.

No sooner was that Ventricle emptied, but M. *Heydon* still complaining of the greatnesse and hardnesse of the same, my selfe seeming to neglect his words, because the left Ventricle is thrice as thicke of flesh as the right is in found men for conservation of Vitall Spirits ; I directed him to another disquisition : but he keeping his hand still upon the heart, would not leave it, but said again that it was of a strange greatnesse and hardnesse ; whereupon I desired him to cut the Orifice wider : by which meanes we presently perceived a carnosse substance, as it seemed to us wreathed together in foldes like a Worme or Serpent, the selfe same forme expressed in the first *Iconography* : at which we both much wondred, and I intreated him to seperate it from the heart, which he did, and wee carryed it from the body to the win-

* Here those men may be handsomely questioned (who say that the pulse is nothing else but the impulse, of blood into the Arteryes or the Systole of the heart) what was become of the pulse in this man all the while that the whole blood betooke it selfe into the heart, here was either a living man without pulse, or pulse without the Systole of the heart. For what could the Arteryes receive where nothing was to be received ? Or, how could there be pulse where there was no impulse into the Arteryes ? The pulse then doubtlesse is from another cause, and is a farre other matter than most men conceive : for there are in a sound man 4450 pulsations in an houre, in a sick man, sometimes in some peracute fevers and diseases above 35600, and more, which cannot be from so many severall expressions and receptions of blood ; for it is impossible the heart should make compression, and the arteryes apertion, so often in that space. Nay in *Dicrot. Caprizant*, and other inordinate pulses, diverse pulses strike in lesse space than the open mouth of an artery can goe, much more than in lesse times than it can open, shut, and open againe, which 3. acts are requisite to the beginning of a second pulse. But of this I have largely treated in my 3, Booke *De Febris*.

dow,

dow, and there layed it out, in those just dimensions which are here expressed in the second figure.

The body was white, of the very colour of the whitest skin of mans body : but the skin was bright and shining, as if it had beene varnished over ; the head all bloody, and so like the head of a Serpent, that the Lady *Herris* then shivered to see it, and since hath often spoken it, that she was inwardly troubled at it, because the head of it was so truly like the head of a Snake.

The thighes and branches were of flesh colour, as also all these fibraes, strings, nerves, or whatsoever else they were.

After much contemplation and conjectures what strange thing that part of the heart had brought forth unto us, I resolved to try the certainty, and to make full exploration, both for mine owne experience and satisfaction, as also to give true testimony to others that should heare of it : And thereupon I searched all parts of it, to finde whether it were a pituitose and bloody Collection, or the like : Or a true organick Body, and Conception : I first searched the head, and found it of a thicke substance, bloody and glandulous about the necke, somewhat broken, (as I conceived) by a sudden or violent separation of it from the heart, which yet seemed to me to come from it easily enough.

The body I searched likewise with a bodkin betweene the Legs or Thighs, and I found it perforate, or hollow, and a solid body, to the very length of a silver bodkin, as is here described : At which the Spectators wondered. And as not crediting me, some of them tooke the bodkin after me, made triall themselves, and remained satisfied, that there was a Gut, Veine or Artery, or some such Analogicall thing that was to serve that Monster for uses naturall : Amongst whom the Lady *Herris* and the Surgian made tryall after me with their owne hands, and have given their hands that this Relation is true. This Lady dwelleth at the Signe of the Sugar Loafe in S. *James* street in the *Convent Garden*.

§. 3.

THIS strange and monstrous Embryon borne in the said Ventricle, which as *Hippocrates* saith is nourished neither with meats nor drinks, *Sed purâ & illustri substantia*, taking aliment from the blood purified out of the next Cisterne, made mee (importuned with other occasions then) to leave this new and rare Spectacle in the charge of the Surgion, who had a great desire to conserve it, had not the Mother desired that it should be buried where it was borne ; saying and repeating, *As it came with him, so it shall goe with him* : Wherefore the Mother staying in the place departed not till shee had seene him sow it up againe into the body after my going away.

Which as soon as I heard, I presently described the forme of it at home, *inter rariora à me reperta* : And thus this History had alwayes beene buried from the World, (the Mother having thus buried the Creature) if your selfe and others had not desired a figure and narration of it, which caused me to take the hands, and mindes of some of them who were present : Who being nearest the young man, were most likely to say the best, and therefore being

besides people of good fame and reputation might be credited; considering that they would say nothing at all either against their own house, or against verity more than what apparent and cleare truth should necessitate them unto: Which from themselves and under their hands, here I have done.

There were also divers others, such as dwelled in the house, and some that came in, who beheld it, after whom I have no leifure to enquire: But such who will scarce believe their Creed, or any true mans word, or that men have senses (which have alwaies beene reputed incorrupted Witnesses,) may go into the high buildings upon the Street in Saint *Giles* Parish, and at the corner house next the greene Dragon where the Young-man died; they may make further inquisition.

Since which time the Mother hath removed her selfe into *Bloomesbury* neare unto the house of one Master *Nurse*, who directed me to her lodgings; a man well knowne in all that Region.

Mistris *Gentleman* dwelleth neare unto *S. Clements Church* in the Strand, and the Chirurgion, or his man can direct them to the house.

Moreover that day all of us that were present at this sight related to our friends, wives, or husbands what we had found, as they will testifie.

The History therefore being verified by as much testimony as humane perswasion need require: Except nothing but oath will content some, which if it shall be found necessary to Authority: It will most readily come forth also and obey. It is most requisite that something be said of this or any such like matters generated in mans heart, both for the manner of their generation and the way of their cure, and by what means such rare and incredible causes of death may be found out in time and taken away.

§. 4.

Such matters as these were worthy of your selfe, and a man of your long experience. Yet because this strange generation was found by me, I will consult with your learning, rather then by any hasty resolution, determine and discourse a little to state a question of no small difficulty; *Hip de morbis* since *Hippocrates* first hath given the occasion, which was this; *Avicen l. 3.* *Cor nullo morbo laborat*: the heart laboureth of no disease: and *fen. 11.* *Prince Avicen, cor lonquiquum anocumentis*, the heart is far remote from dangers. And yet contrary to these: Very many Physitians enumerate these diseases of the heart; the *Marasmus*, *Syncope*, the *Cordiack* passion *Lypothymy*, *Apostems*, *Ulcers*, *Botheralia*, *Corrosion* of *Sublimate*; and I dare adde, diseases which afflict the heart by reason of distillations from the head in some who have had the unction: Tremors also and palpitations of the heart; as *Peter Ebanus* in his Booke *de Venenis*: And the *Paralysis* of the heart, as old *Aurelianus* in his second Booke of *Slow-passions*: After *Hærophylus* and *Erasistratus* have observed.

And now of late *Skinkius* and others have found wormes in *Cordis capsulâ*, which is the *Pericardium*: But I speak more precisely and punctually, that now in the left Ventricle of the heart, this Worme or Serpent hath beene found

found: Which the Mother of the Young-man saith, was at least three yeares growth, for so long he complained of his breast, and as shee saith would never button his Doublet in a Morning, but be open breasted in all weathers, till he had washed his hands and face, and was subject to palpitations.

Now then that wee may judge whether *Hippocrates*, and *Avicen* direct their speeches: these reasons are to be admitted.

1. First, from the situation of the heart, *in medio medij pectoris*, saith *Avicen*, in the middle of the middle of the breast: which mathematically is not true: for so the basis or upper part, or *caput* onely is placed in an Equidistance from the *diaphragma* (the inferiour *furcula*,) and the *Claviculae*, (and *furcula superior*) and betweene the *Vertebra* of the backe and the *anterior Sternon*.

2. The Second is, that the heart dwelleth in a strong pannicle, and such an one, that *non invenitur panniculus compar ei in spissitudine, ut sit ei Clypeus & tutamen*: that no pannicle is comparable unto it, that it may be a shield and defence unto the heart. *Hip. l. de Cord.*

3. Thirdly, *Avicen* addeth, that the heart it selfe is created of strong flesh, that it may be *longinquum anocumentis, in quo contextæ sunt species villarum fortium*: Diverse strong strings admirably woven together do bind and strengthen the heart, and give it aptitude for motion, and yet resistance. *Hippocrates* long before *Avicen* saith the same, and things of greater consequence: *Cor est musculus fortis, &c.* The heart is a strong muscle, *non nervo, sed densitate carnis & constrictione*: not by his nervous nature, but by solidity of flesh and constriction: And *Hip. ubi supra.* in the heart there lye hidden diverse skins like spiders webs extended, which do so bind and shut the endes of the Aorts, that no man ignorant, knowes how to take out the heart, but will take up one for an other. Neither can water or wind penetrate into the heart: and more; *Cor tunicam habet circumdatam, & est in ipsâ humor modicus, &c. Ut cor sanum in custodiâ florescat: habet autem humiditatem tantam quanta satis est aestuanti in medelam: hunc humorem cor emungit bibendo ipsum assumens & consumens, pulmonis nimirum potum lambens*: He speakes further of the cover called the *Epiglottis*, that nothing may enter that way but what is convenient; So that seeing the heart is fortified with such strength of ribs, with such covers, such skins, such fortitude of substance, such density of flesh, such excellence of liquor, such curious filaments, that nothing can enter, hurt, or come neere the heart to make it sicke: but that it is able to defend it selfe, both by its owne situation, strength, and happy condition in very many respects, and keep out or put backe whatsoever also by force shall come neere unto it: It remaineth that the heart is not, neither can be subject to any disease, or at least not easily.

Yea those other men who enumerate the diseases of the heart; grant, as chiefly *Valescus de Tbaranta* and the *Arabians* all confesse that a *Syncope* happeneth, or else death as soone as any disease approacheth, or hurt toucheth the substance of the heart; also *Avicen*, *Petrus de Ebano*, relate that the forementioned diseases kill as soone as any of them touch the substance of the heart: So also *Herophylus* confessed that sudden death followed if a *Paralysis* once
fur-

surprized the heart: And 'for *Bothors* or *Pblegmo's*, or *Erisipelas* or the like they say that they are diseases of the heart *initiative* only, and not *subjective*, to dwell there any time.

And indeed I am fully perswaded that the heart suffereth a *marasmus privative*, by negation of due transmission from other parts, rather than that *marcor* should follow *ad cordis substantiæ ariditatem*; for if any part have good substance in it, the heart hath; and therefore *Hippocrates* saith, that *quando fontes resiccati fuerint homo moritur*: that the Ventricles have the last humidity in them: wherefore *Galen* seemeth to desert his Master in saying *a cordis ariditate incipere malum. Viz, veram senectutem & interitum naturalem*. Whereas hee should have said the contrary: that the aridity of the heart followeth the defication and want of due transmission of other parts: Yea if I may speake my minde freely, *Hippocrates* is not to be taken simply, that the heart cannot be any wayes affected; but perhaps in the sense of *Galen*, that the heart suffereth little or no paine by reason the substance of *Gal. 2. pla. 8.* the heart hath but little sensation, having but one little nerve for feeling from the sixth Conjugation, and that is somewhat obscure also. Or if hee meane, as indeed I am sure hee doth, that diseases doe not effect the heart; hee is to bee understood that ordinarily they doe not, but very seldome, by reason of the carnous parts, *Cor solidum ac densum ut ab humore non ægrotet, & propterea nullus morbus in corde aboritur, caput autem & Splen maximè sunt morbis abnoxia*, His speech is evidently comparative; else wee see very often that which hee never saw in all his long life and experience: And indeed we see now very frequently the heart affected with Imposthumes, with Wormes, with Abscesses, with Fleamy concretion both in the Eares of the heart and Ventricles, yea and now with a Serpent: And yet men live divers yeares with them, and many other diseases both *per essentiam & Consensum*, all kinde of distempers both equall and unequall, of which the Ancients have left no memory nor mention unto us, with which the Books of late Physitians are replete. Wherefore the propositions of the Ancient Physitians must have a friendly interpretation; or else mens hearts now a daies are more passible and obnoxious into diseases then in former ages, which by me as yet cannot easily be admitted: Wee are forced therefore to conclude that the heart *per essentiam & primariò & subjective* may be afflicted with a disease and cause of death, and it cannot otherwise be conceived, seeing such creatures are begotten in it; yet doubtless exteriour diseases kill sooner then innate.

§. 5.

UT this then begets a greater question, how this Monster or such as this should bee begotten or bred in the heart, so defended, as hath beene said, more then all the body, and in the most defended part of the heart, the left Ventricle three times thicker of flesh and substance then the right? as also of what matter? seeing that Cell is possessed and replenished with the best, purest and most illustrious liquor in the body, the blood Arteriall and the vitall spirits

There

There are who conceive that pervious passages may be found for little Wormes and the like to enter into the heart: but they must give a better way then any that I have yet seene doe, as also the Wormes must be very little. Others say, that such matters are caused by the ill habit of the heart; by which if they meane the substance of the heart; it is not to be receaved, till the heart hath beene hurt by ill distributions and transmissions which in our case is otherwise: for halfe of the heart, the left Ventricle, (the *Matrix* of this Serpent) was solid and still good: Wherefore it is not in the ill habit of the substance.

Others thinke that those Wormes which create sometimes the *mal della luna*, as the *Italians* terme it, living in the *pericardium*, and gnawing the heart: Of which there are innumerable Stories.

Hebenstreit lib de peste telleth us one, of a Prince to whose heart a white Worme was found cleaving with a sharp and horny nose.

Alexius pe demont anus, lib. 1. Secret. telleth us of an other: and so Math: Corvar: lib. 2. c. 28. Consult. med.

In Stowe's *Cronnicle ad annum 1586. of Q. Elizabeth, a matter of this nature, in an Horse is recorded as a memorable thing in these wordes.*

The Seventeenth day of March, a strange thing happned, the like whereof before hath not beene heard of in our time. Master Dorington of Spaldwick in the County of Huntington Esquire, one of her Majesties Gentlemen Pentioners, had an horse which died suddenly, and being ripped to see the cause of his death, there was found in the hole of the heart of the same horse, a Worme which lay on a round heape in a kall or skinn, of the likenesse of a Toad; which being taken out and spread abroad, was in forme and fashion not easie to be described: The length of which worme divided into many graines to the number of fifty (spred from the body like the branches of a Tree) was from the snout to the end of the longest graine seventeene inches, having foure issues in the graines from which dropped forth a read water: The body in bignesse round about was three inches and a halfe, the colour whereof was very like a Mackerel. This monstrous worme found in manner aforesaid, crawling to have got away, was stabbed in with a dagger and died; which being dryed was shewed to many honourable personages of this Realme.

If this *Horse-worme* or *Serpent* be Chronicled, how much more may this be memorized for Posterity? Or that which you have, or that which you told me was found in the heart of the Lord *Boclew*.

By reason these were found in Men, that in an Horse: and this found by me of greater length, and more certaine forme, than that which they could not tell how to describe.

As also those peeces of black flesh generated in the left Ventricle, of which *Benivenius* historizeth one, C. 35. *de abditis*, in forme of a Medler, upon the Artery; and *Vesalius, lib. 1. c. 5. de humani corporis fabricâ*, speaketh of a most Noble and learned Personage, in the left Ventricle of whose heart, two pounds of blacke glandulous flesh were found; the heart extended like a pregnant wombe.

Yea and those *pituitose* carnosities and other matters, so often seene in the left Ventricle, by *Neretus Neretius* that famous Physitian of *Florence*, and *Erastus*, part 5. *disputat. de feb. putrid.* may be generated in the *pericardium*, either by drinckes of ill condition sliding into the *Trachæa*, and so into the Arteries, and the heart: and sometimes some small seedes

Cornelius Gemmal de Naturæ divinis characteris. or attomes of creeping creatures; which *Cornelius Gemma* setteth forth sufficiently, and historiseth many strange matters in this kinde, as some to vomit *Yeeles* and *Serpents* of strange formes: and it is a common saying of the *Pedemontanes*, and such as drinke the waters of the *Alpes*; that every such man borne hath a Frog to his brother. Such things may passe into the stomak, but rarely into the heart.

§. 6.

BUt that which I have to say, is this; that these strange and extraordinary generations are caused from the temperament individuall, for you well know that there is a double temperament; the one Specificall, the other individuall; the one is *fixum* and unalterable, the other is *temperamentum fluxum*, and accidentall.

As for the *Specificall* temperament, although the vitall acts cease, yet the *specificall* act is never changed; for you see that the parts of this or that animall, retaine their *specificall* vertue when they are dead: as herbes, or those parties of herbes, as leaves, seedes or rootes, keepe their property, and retaine their owne heates or favours, when they are cut away, or taken up from the ground: Yea and there are certaine specifike attoms which alwayes continue after putrefaction and extream driness in the fixed salt.

* *Sunt igitur solida primordia simplicitate
Quæ minimis stipata coherent partibus arte
Non ex ullorum conventu concilitata
Sed magis æterna pollentia simplicitate
Unde neque avell quicquam neque diminui jam
Concedit naturæ reservans semina rebus.*

This temperament is proper to every creature: for Man hath his temperament, the Lyon his, hyfopp his, and the rose his owne: For God made every thing, *secundum species suas*, & in genere suo producat aqua in species suas, & omne volatile secundum genus suum.

Et Deus fecit bestias juxta species suas & omne reptile terra in genere suo & producat terra animamin genere suo, &c.

Wherefore the *Specificall* temperament of *Socrates* doth not differ from the temperament of *Hippocrates*, *Plato*, *Cato*, or any other man: which may be well put against *Aristotle*, who thought the foules of men did differ in nobility one from another: which difference can no way be founded upon the tem-

temperament specifically, but rather upon the individuall, which is but the accidentall constitution of the Individualls of the same *species*; which followeth some peculiar determination of th' horoscopant; or else upon some other speciall helpe, or hinderance; as from the singular scite of Heaven, ascension of Starres, aspect in flux, the aliment of parents, either more or lesse elaborate; and many other matters every creature borne hath according to the felicity or infelicity of his generation: especially Man, who of all other creatures is nourished with most variety of meates and drinkes: We also see every day that such men are more hot, and vivacious, who are borne either in the Starres of *Leo*, or the Sun *Oriental*: they also to be of more succulent habit, who are born within the second *quadrate* of the Moon: and such to be least vital, who are born in the silence of the Moon, herbs also gathered the Moon decreasing, have lesse force: and the very soile often doth either so augment, or dwarfe plants, and herbes, and give them such strange conditions, that they are found degenerat, and scarcely the same herbs: As for the prolifick matter, it breedes (as Physitians say) a male or female, as it is more or lesse concocted: There are also diverse conjunct matters, which helpe or hinder generation, as such matter doth which differeth much *a punctis specificis*, or *a semine*, for the *sperma* may be much, which is *materia augmentativa*, but the seed is so little of which a giant is generated, that as *novum lumen* saith: it can be no greater at first moment of conception, than in proportion to the 8200. part of a graine of wheate; which confirmeth that of *Aristotle*, that the fortieth day after conception, *homo formiciâ non major*; from which augmentative matter it is (which is made of various and alterative aliment) that children differ so much from both their owne parents: hence one sweates and sweares at the sight of a Cat: and another forsakes the table at the sight of a Pigg or Goose; the reasons of which antipathies and diversities, are founded in the latent matter spermatike, as if the Mother of one, somewhat before her Sonne was begotten, had eaten a Mouse; and the other fed upon the eares of a Jew.

All which is said to illustrate, that there is in many men, a certain connate matter and obedientall, susceptible of divers diseases, and infelicities: Wherefore it was not so anciently, as worthily said; *Fœlicissimum est benè nasci*, it is a most happy thing to be well borne.

And from this *Diathefes* and ill dispositions may many a strange sicknesse in after-ages spring, as time, diet, and other accidents doe alter or intend the heat, cold, or acrimony of the humour and blood, or some other quality.

I pray, *Sir*, note well the faithfull Relation of a most understanding and sincere man, M. *John Whistler*, one of the Benchers of *Graies-Inn* and Recorder of *Oxford*, who upon my Narration of this History of *John Pennant* (the very same day, or the next that I found the Serpent;) told me that in his younger daies himselfe was a great Cock-Master, and one of his old fighting Cocks beginning to droope, he thought it best to cut off his head, which as soone as it was done, there appeared and shot out betweene the skinns another head and neck, like that of his Cock, but it was a kinde of gelly (as hee conceived) with a very fine skin upon it, with a bill and a lit-

tle combe: The rest was not searched, which perhaps was bred of some Egg in the body of the Cock, which kind of Conceptions are very rare, yet the sacred *Scripture* maketh mention of *Cockatrices*: Which doubtlesse cannot be bred but of some humour or blood exalted to some extraordinary or preternaturall degree of heat, cold, or sharpenesse, or some other quality: Which first the naturall heat and valour of that bird proveth: Secondly his martial profession and terrible battells performed almost to death, all his life long; as also being begotten of such like Ancestors, himselfe also excelling in heat and fiery spirits accidentall.

Compare this Young-mans state also with this history; his right kidney wholly consumed, his left tumified as big as any two kidneys or three, full of ulcerous matter: So likewise his bladder full of ulcer, and rottenesse, and nothing in his body to be found the cause of this: Wherefore the sharpenesse and extraordinary heate of the blood, or some such like quality, was the cause of the Ulcers, and so also consequently of that extraordinary production in the heart: For nothing els appeareth, whatsoever may be conceived: And this accidentall temperament of the blood, I take to be the cause of this which we found in the heart: For in the heart (if any where) was the greatest heat, and if in any part of the heart in the left Ventricle, the principall receptacle of arteriall blood and spirits: And I have more to confirme me in this opinion, having certaine knowledge both of the diet of his Mother and Grand-mother also, and of his owne: Which I am not willing to make publique; but to make private use of it to my selfe.

All which shall not by me bee intended to prejudice any other better judgement concerning other like conceits; by reason that passages to that Ventricle may be sometimes pervious, although very rarely: But to informe you of some peculiar knowledge that I have of this mans History; which may give us great light concerning others of like condition.

I could here discourse how the imagination produceth strange things in men; and worketh not only in our owne bodies, but also in
Ro. Bacon. l. de hyle mundi, as Fryer Bacon proveth, and Prince Avicen: But
Cæle & mundo. this I will not attempt, except you shall judge this Relation may be beneficiall to any, and then I shall discusse it out at large.

§. 7.

BUt to me the resolution of this matter seemeth very profitable to know how these things may be bred in men, for I suppose, men from hence will take speciall care to alter the accidentall temperament of humours, if they find them excell in any high degree of heate, cold, sharpnes, or the like, such as have in them inconvenience and danger, and to deal with learned Physitians in time.

So also is the knowledge of singular use and benefit to know when men are affected with any such disease, and how they may be cured.

As for the knowledge of abstruse and secret affections, where perhaps no dolor gives certitude of the place affected, as in diseases by consent, when
 some

Some other parts are more afflicted, such skill is worthy of a Physitian, and at any rate to be procured: But how or where shall we have it? Who writeth of it? Who hath so much as ever dreamed of any such help to mankind; for mine own part I never yet read of any *Signa pathognomonica* of any such disease: Neither do I know where to find one grain of instruction in this, as also in divers other diseases (which I can nominate) more than from mine owne observation and care. Wherefore if I set downe one thing which is not common nor els where to be found, I hope you will take it as my good wish unto the *Common-wealth* of Physitians, and I will lay my ground upon two Histories of mine own: the one was in *December anno 1634*. For being sent for to a yong gentleman whose name was *Arthur Bukeridge* son unto Mr. *Arthur Bukeridge*, now of *Tottenham* Gentleman, who was sick of that kind of pox which our Country people call the Flocks, which were many, flat headed, white, and wrought along, as if worms had made certain crooked furrows among them, which when at first I beheld, I was very diffident in myself of doing any cure, because I never knew any of that disease and manner saved: Yet while the friends of the Youth declared unto me what an ingenious child and scholler he was, and what hopes all his friends had of him: I still beheld the variegation, or vermiculation of that kind of *variola*: And because no Physitian in all my reading ever gave me the least light or helpe to cure them: I more studiously searching the cause of their forme, strongly apprehended that that outward work and waving could proceed from no cause, but from putrefaction caused of worms; and that God and nature did assist in so great a difficulty, shewing by this externall signature the internall cause, taking therefore my *Indicative* from the *Conjunctive* (as *Galen* counselleth very well) I prescribed chiefly against worms and inward putrefaction, and in very short space he was restored to his health: And while I write these things, the young man (whom I never saw since) cometh into my house to search after me, and to give me thanks so long after, being shortly to goe for *Oxford*: Wherefore to confirme this History I sent unto the young man's Apothecary to see what was yet upon file, to ascertaine what I say; and it is returned me, that two of my bills are yet there remaining: As also one honest Gentleman remembreth well that I then expressed as much and told his friends that I intended to prescribe against the worms principally.

The other History was of this *John Pennant*, whom we dissected; who was well known unto me, as his friends and others well can assure it, in whom as is likewise sufficiently knowne, I very often noted this, that he had an excellent Eye, but extraordinarily sharpe, and like the Eye of a Serpent, and so much I have spoken of it, that divers Gentlemen and good Schollers did make answer unto me that heard of his long diseases of the supposed stone, or ulcer of the bladder: that pains and griefes did sharpen mens aspects: But finding what we have seene in him, thus much shall mine owne observation teach me ever; Let others doe, or believe as little as they please, that *secret, unusuall and strange inward diseases, doe send forth some radios, or signatures from the center, Analogicall to the circumference, by which we may finde*

the causes if we be diligent and carefull: And this is that which I would commend, of which I know no man that hath written one word as yet: Which although at first it seemeth new, yet if men will well consider it and what I shall say I doubt not but they will be confirmed, that it is an accurate and a most necessary observation, and a chiefe Window to see into the most secret Diseases and Closets of the Body and Heart also.

And first as an introduction to believe what helps Physitians may have from beames and signatures. All learned Physitians will thus farre goe with me, that this was that admirable way of the old *Magitians* to find out the natures of medicines, from their peculiar beams, signatures and similitudes, and that there is no Simple or Medicine *Specificall* (as they say) or excellent for any disease or very few, but we are able to make the *radij* or signatures to appeare, from which those learned *Magi* did, or might find out the properties and virtues of those Simples or Medicines, and this you know to be true, and this way you all know that *Sponsa Solis* or the *Kiranuides* of the *Synas* went, as that book of the King of *Persia* sheweth, which I lent unto you; and you have no doubt many volumes of Physitians, as well as others who have written of this argument. Wherefore seeing it is so cleare that signatures and beames have so excellently and clearely discovered the virtues of all medicines latent and abstruse. Shall we conceive that God and Nature are deficient in affording outwardly some helps to know the inward, secret and strangest maladies? It cannot be: For to what purpose is it, that the Simples have virtues medicinall, and for every disease, if some diseases may not be discovered, and how can they bee discovered within, to which no eye can come? from which nothing is received, as in some other diseases. Some are knowne by time, as Feavers, keeping Period: Some by place or part affected, as *Cholick*, *Angine*, Stone in the reynes, and the like. Some by excretions, as *Dissenteries*. Some by such like and others more or lesse: But there is no meanes to discover such a thing as this that hath given occasion of all this discourse, for nothing was excerned of it any waies, or from it that could give any Light: No topicall grieve so great as that in his reynes and bladder, he did complaine of his breast and of a beating there sometimes; but *Palpitatio cordis* is *signum commune*. Neither did this man complaine as he did alwaies of his other affections. Neither can it be imagined how such a substance, growing and receiving daily augmentation in his heart could be discovered by the wit of man, but by some outward thing singular and unusuall, as a speciall *radius* of what was within.

§. 8.

I Trust then that this speculation and practise will in time be thought of, and that it may, I will set this signature upon it (although seldom or scarce ever noted by any except by Friar *Bacon* in his Booke *de Cælo & mundo*, &c. More especially by that incomparable sage *Alkindus*, the most learned man that the East since his time, or long before hath brought forth unto the world: that every thing hath his *radius proprius*, as well as the
starres

starres of Heaven have: *Alkindus* his wordes are these, in his Treatise *de radijs*, as a firme conclusion, and sufficiently there by him confirmed; *Agite ergo cum mundus Elementaris sit exemplum mundi, ita quod quaelibet res in ipso contenta ipsius speciem continet. Manifestum est quod omnis res hujus mundi sive sit substantia, sive accidens, radios facit suo modo ad instar siderum, alioquin figuram mundi syderci ad plenum non haberet.* But this we will manifest to the sense in some few (saith hee) the fire transmitteth his beames to a certain distance: the earth sends out her beames of colde, of medicine, and of health; and medicines taken into the body, or outwardly applied, diffuse their beames through the whole body of him that receives them: the collision of solid bodies makes a sound which diffuseth it selfe by the beames of the thing moved: and every coloured body sendeth out his beames, by which it is perceived, and this is subtly knowne in most other things: by which by *vive* reason it is certainly knowne to be true in all things; taking this therefore for truth we say, that every thing which hath actuall existence in the elementary world, sendes forth his beames, which fill the elementary world after their manner, whereupon every place of this world containeth the beames of all things which are actually existent in every place: And as every thing differeth from other; so the beames of every thing do differ in effect and nature from the beames of all other things, by which it comes to passe that the operation of the beames is diverse in all diverse things: Thus far, and much more *Alkindus* to the same and like effect: Yet I will add some few instances more. The severall smelles of all things in the world, are their severall *radij* which doe discover themselves unto us, and we perceive them to be many times where we see them not: Wee smell Roses, Musk, Civit, Amber, Quinces, Apples, Plantes and Herbes of all sortes, and very many other things in roomes or boxes, before we come neere them: and we are most times assured of such things to be neere us, by their proper and peculiar emanations, or irradiations, which are their specifick beames, darting out and diffusing themselves from one center, unto a certaine distance, according to the vertue of the species or his proper nature, which may doubtlesse also be intended, or remitted, or varied, and so make strong projection, according to the rectitude of line, or else be debilitated according to the proportion of obliquation: but this I insist not upon.

Fetted things also have their *radios*, according to their owne proper nature, and there is the same reason of them in all points according to their species: The colours of other things are also beames: and the very truth is, that as all things in the world have their proper *radios*: so all the actions that they have is by vertue of these *radij*: and as *Alkindus* saith, by these beames is exercised *in conjunctum localiter, aut in seperatum*: which the Schoole-men call *immediatio virtutis*, or *immediatio suppositi*: in both, nothing is done *sine radijs*, nor truly knowne: As for example, If two men come close together, one cannot strike another, *Immediatione suppositi*, except the *animales radij* actuate the nerves and muscles of the hand, and therefore *immediatio virtutis* is supposed. These spirits are the *radij animales*, and by these every action arbitrary or not arbitrary is effected in, or by man, and every other creature.

And

And as cleare to us is that action which is performed *immediatione virtutis* in other creatures; for we see an Adament to draw yron at a distance: A looking Glasse to represent the Images of things separated from the glasse: And this we know must bee by some Emission or Projection of beames one towards another, as well as by the Emission of the animall spirits from the braine into the nerves. And a marvellous wonder it hath beene to me to see how Mineralls purified and defecated from *heterogeniall* mixtures, finding themselves free doe strike out themselves in any liquor into Branches and Starrs, as is acknowledged by Physitians, calling them *Medicinas stellatas*, as *Regulus Stellatus: Regulas Antimonij Stellatas*, &c. and not onely Minerals doe thus, but the Salt of vegetables, and animals I have made so, that they will doe the like: So that it is evident that every thing in the world hath his beames; and it cannot, nor ought not to be otherwise, sith the nine times most blessed and most glorious Effentiator of all things who hath been so diffusive, as to branch out himselfe into every thing visible and invisible, that any thing should not have some likenesse unto him who made all things *summatione*, and with as great perfections as their severall species were capable of. And for them therefore not to shew themselves, and who was their Father, it is impossible.

*Cælum est in terra, sed modo terrestri:
Terræ est in Cælo, sed modo Cælesti:*

Yea even putrid humours, and materiall causes of diseases, as being naturall things though corrupted are good: and have their beames and their signatures in favours, pustles, bubos, spots, and tokens without, of divers sorts according to the severall species of the humour putrified within, or from the commixtion with other causes by which a Physitian is much instructed, what is within, and how to take heed himselfe; and to come home to the very point, and cause of all this Discourse, we see in all kind of Animals in the world (and I doubt not but your incredible desire to know an excellent naturall sagacity hath often observed) that according as their arteriall blood is exalted, such *radij* are in their Eyes; as we see in some men more than others, and in Cocks, and in Serpents: A Cocke hath an Eye whose *radij* are almost exalted to the beames of the Eye of a Serpent: And doubtlesse such blood had this man, and such spirits of an incredible heate or acrimony: The Eye is an *Index animi*, which cannot otherwise be then by the *radij* or spirits of it, much more then doth it shew the blood arteriall upon which those spirits are founded; and thus from the Eye I have made it evident, that we may know much of the left Ventricle of the heart where the arteriall blood is elaborated and made: And thus in other matters, if from the *radij* or signatures exterior we play the good *Magicians* and diligently consider them: I am perswaded we may have a singular helpe and insight to cure the most hidden and most dangerous diseases of all, and such as otherwise cannot be known. You see Sir, I have founded my sentence upon God, Nature, and Experience, and if it be hidden or not believed by any, it is to them incredible who have
grosse

grosse conceptions, small skill, as I am sure your great insight and wisdom will and can better confirme: For what is that which makes some men wiser then others? *Magis sapiens est & dicitur qui minus perceptibilia percipit de rebus & earum conditionibus*, saith that wise man *Alkindus*: There is no doubt therefore (as the same man saith) but that they who are informed with an holy desire of wisdom, will labour much to comprehend the secret conditions of things, as the ancient Physitians did who with wonderful sagacity searched for that skill which we enjoy: As for such as are neither wise nor have desire of wisdom, I leave them to *Ptolemy* that other miracle of knowledge to instruct the world of them: *Reprehendunt insipientes quod non comprehendunt*, unwise men reprehend all that they doe not comprehend.

§. 9.

IT remaines onley that something be said of the cure of such Conceptions if by any Physitian they be perceived in time: Either by pulsation of the heart or by any externall signe or signature, or *Syndrome*.

There are some who use no alterants nor other peice of art than to kill and dissolve such conceptions: and they confide in this. *Rx. Succij Allij, Nasturtij, Raphani, ana. j. detur & statim curabitur*. So *Schenckius* from *Stockerus*. Others thus *Rx. Tanacetij ramulum in umbra siccatum, in pulverem redactum cribellatumque, cui addatur pulvis sequens. Rx. Rad. gentian. Rad. Pæoniæ longæ, ana. 3. j. Myrrhæ, 3. ss. misce, tere & cum uti volueris. Rx. 3. j. Et cum guttula aquæ ut solum madefiat misce, deinde inunge os & labra infantis aut patientis ter aut quater, & una cum cæteris medicamentis ejicientur*. So *Schenckius*. This I grant is good for wormes that cause *Epileptike* fits in children, but for such as lie deeper in the *pericardium* and the left Ventricle, it is not likely they will be sensible of, at so great a distance and inclosure: I rather thinke that the use of some oyles which are more penetrative, may do more good, as some drops of *Olei de Sabina in aqua juventutis*, *Raimundi* or *Olei ex Baccis Juniperi ob ejus penetrativam virtutem*, may with some continuance or with the successe before mentioned be more efficacious: But why am I so large speaking to you? But to lay some grounds of future discourses with you, concerning both preservation and cure of such latent maladies, rather than here to set them out.

§. 10.

YET for conclusion I have onely this one thing to note unto the world: how that these which seeme so rare, strange, and incurable mischiefs, might be more familiarly knowne, and easily cured, if it were not for a babish, or a kinde of cockney disposition in our common people, who think their children or friendes murdered after they are dead, if a Surgion should but pierce any part of their skinnes with a knife: by which it commeth to passe, that few of those innumerable and marvellous conceptions, which kill the parents in which they are bred, (as your selfe with admiration have knowingly spoken to me of their infinite number which are generated in mans body)

body) can ever be found out, or cured: so great a monster is begotten in the blood of fooles, and fearfull people, which destroyeth the common good of man-kinde in a very great proportion: whereas that knowledge of their generations, which Physitions have, is commonly from the dissections of the bodies of Noble Personages, and of the Gentry, who with their friendes about them have beene bred to more fortitude, and are more wise and communicative, as most of our medicinall histories, you know confirme, and your selfe likewise hath told me of some. All vertuous and heroick soules know that when their particle of divine perfection is returned to him that gave it, that then their bodies are to serve the universe (as that pious Bishop knew) who when he had given away all besides his body, at last gave that also for the good of the living, when it should be found dead, and therefore bequeathed it to the Physitians to dissect it: but doubtlesse our Tradesmen, their wives and children, and our sugar-sop citizens are compounded of a rarer, *noli me tangere*, when they are dead then when they were alive; and though Nobles and Princes may be cut in peeces, yet is it *piacular*, and the losse of grace for ever with them, if a Physitian should but intimate such a matter as decently but to open any part of their most intemperate Impes.

But what good more frequent dissections might doe, what portentuous matters they might discover, and how facile they might finde the causes, and their cure, you sufficiently know, and in part others may by this history understand: And although the learning and knowledge of some Physitions of our age be singular, and growne to such an happy degree of perfection, yet there are by dissections every day something to be learned: and how much the internall do simbolize with externall, as in part I have discovered, and I will yet give out one illustration more: let but Physitions well note their patients complexions, and colours (for this time I will only speak of the face) and let them take afterward if they come to dissect them notice of their livers, and if they be diligent, in few dissections they shall be able, looking into any mans face whatsoever, to know the affections very manifestly of his liver. Sir, under favour, and with you I have thus much freedome as to tell some of my brother Physitions and Surgions, that the inspections and dissections which they celebrate over the world, are not to inable men to talk of names, parts and places, but to doe, and to be able to judge of things hidden and secret, that they may not be deceived touching the causes of mens diseases: this is the chiefeft end, and yet how few study out of entrailes this learning, I neede not intimate unto you.

The wayes of nature, by which operations are effected, as also the continuation of parts and vessels, their communication, and to finde the causes of sicknesses, their epigeneses, their metastases, their apostases, their *palyndromyes*.

The wayes of Symptomes, reasons of revulsions and the like, are the next: and so much subordinate to the other, and of lesse necessity, as obvious inspections shewe this to be more facile, and with lesse labour to be attained than that; the other therefore not being so well perfected to our dayes, I have by this extraordinary occasion, and out of my good wishes, ventured to

to speake a word by you, unto such as are wise in our owne profession, since Phisitians should be *ισοθεοι* as our dictators words is, *like Gods*, what is in us in good skill, and good will, for the safety of man-kind: that as it was said of his dayes so it may of ours, *in eorum diebus raro animæ descendebant ad infernum*: in their days soules seldome descended into hell, if any at last forsaking divine grace shall descend; yet that hell may gape a long time ere it receive them, and that others may have time to shake handes with Heaven, that our profession the noblest and wisest of all others, (I speake of professions which concerne this life onely, not of professions supernaturall) may still be esteemed divinest (as the old Phisitians were crowned deservedly and related among the Gods above all others) while by our meanes, miserable men are restored to the onely blessing of this life, health; and (as I said) be preserved from the great and eternal gulph of infelicity, Hell (many of them not being in state of grace, because sicke upon their finnes) and lastly made live till they be friends and sonnes of God and so rich as to come to Heaven: our Saviour Christ crowning us with such happy mindes, as to be made instructments and means of many mens eternal salvation, by occasion of their temporal restitution.

LEX T E R R Æ.

Or, LAWS of the LAND.

By JUDGE JENKINS.

THE Law of this Land hath three grounds. First *Custom*. Secondly *Judiciall Records*. Thirdly *Acts of Parliament*. The two latter are but declarations of the *Common-Law* and *Custom* of the Realme, touching *Royall-Government*. And this Law of *Royall-Government*, is a *Law-Fundamentall*.

The Government of this Kingdome by a *Royall Sovereign*, hath The kings beene as ancient as history is, or the memoriall of any time; what prerogative power this *Soveraignty* alwayes had and used in warre and peace is a principal part of in this land, is the scope of this discourse; That *Usage* so practised makes therein a *Fundamentall Law*, and the *Common Law* of the Land is common *Usage*, *Plowdens Commentaries*, 195. *Law. Com: Littl. 344:*

For the first of our Kings sithence the *Norman* conquest, the first *William*, second *William*, *Henry* the first, *Stephen*, *Henry* the second and *Richard* the first, the Customs of the Realme touching *Royall-Government*, were never questioned: The said Kings injoyed them in a full measure. In King *Johns* time the

A Second Collection of TRACTS.

Nobles and Commons of the Realme conceiving that the ancient customes and Rights were violated, and thereupon pressing the said King to allow them in the seventeenth of King *John*, the said Liberties were by King *John* allowed, and by his son *Hen.* the third, after in the ninth yeere of his Reigne confirmed, and are called *Magna Charta*, and *Charta de Foresta* declared foure hundred twenty two yeares sithence by the said Charters.

Now rests to be considered, after the Subjects had obtained their Rights and Liberties, which were no other then their ancient Customes (and the fundamentall Rights of the King as *Soveraigne* are no other.) How the Rights of *Soveraignty* continued in practise from *Henry* the thirds time until this present Parliament of the third of *November* 1640. for before *Henry* the thirds time the *Soveraignty* had a very full Power.

Rex habet Protestatem & jurisdictionem super omnes qui in Regno suo sunt, ea quæ sunt jurisdictionis & Pacis ad nullum pertinent nisi ad Regiam dignitatem, habet etiam coercionem, ut Delinquentes puniat & coerceat; This proves where the supream Power is.
Braction
temps. H. 3.
lib. 4. cap. 24.
Seet. 1.

A Delinquent is hee who adheres to the Kings Enemies *Com Sur, Littl. 261.* This shewes who are Delinquents.

Omnis sub Rege, & ipse sub nullo nisi tantum Deo, non est inferior sibi Subjectis, non parem habet in Regno suo. This shewes where the supream power is.
Seet. 5.
Bractabid.

Rex non habet superiorem nisi Deum, satis habet ad pœnam quod Deum expectat ultorem. This shewes where the supreme power is.
Braction lib. 5. tract 3.

Treasons, Felonies, and other Pleas of the Crowne, are *pro de tallis Cap. 3.* *Braction priæ causa Regis.* This shewes the same power.

By these passages it doth appeare what the Custome was for the power of *Soveraignty* before that time, the power of the Militia, of coyning of Money, of making Leagues with forreigne Princes the power of Pardoning, of making of Officers, &c. All Kings had them, the said Powers have no beginning.

Sexto Ed: 1. om sur. Littl. 85. Liege Homage, every Subject owes to the King (*viz.*) Faith *de Membro, de vita, de terreno Honore*, the forme of the Oath *inter vetera statuta* is down; We read of no such, or any Homage made to the two Houses but frequently of such made by them.
Ed. 1.

It is declared by the Prelates, Earles, Barrons, and Commonalty of the Realm, that it belongeth to the King and his Royall Segniory, straitly to defend force of Armour, and all other force against the Kings peace, at all times when it shall please him, and to punish them that shall doe contrary according to the Law and Usage of the Realme, and hereunto they are bound to ayde their *Soveraigne Lord*, at all seasons when need shall be. Here the supream
7. Ed. 1.
statues at
largeful. 24.

supreame power in the time of Parliament, by both Houses is declared to belong to the King.

At the beginning of every Parliament, all Armes are, or ought to be forbidden to be born in *London, Westminster*, or the Sub-^{7. Ed. 2. 4.} burbs. This condemnes the multitudes comming to *Westminster*,^{pars instit.} and the Guards of armed men.^{14. 1. Ed. 2.}

All who held by Knights-service, and had twenty pounds *per annum*, were distraynable *ad Arma militaria suscipiendæ*. This agrees with the Records of ancient time, continued constantly in all Kings times, but at this Parliament three *November* 1640. The King, out of his grace, discharge this duty, which proves that the power of warre and preparation thereto, belongs not to the two houses, but only to the King.

The two *Spencers* in *Ed. 2.* time hatched (to cover their Treason) this damnable and damned opinion (*viz.*) That Ligeance was more by reason of the Kings politique capacity then of his person, upon which they inferred these execrable and detestable consequences. First, if the King demeaned not himselfe by reason in the right of his Crown, his Lieges are bound by Oath to remove him. Secondly, seeing the King could not be removed by suit of Law it was to be done by force. Thirdly, that his Lieges be bound to govern in default of him.^{Ed. 3. Calvins Case Cook l. 7. fol. 1.}

All which tenets were condemned by two Parliaments, the one called *exilium Hungonis* in *Ed. 2.* time; the other by 1. *Ed. 3. cap. 2.* All which Articles against the *Spencers* are confirmed by this last Statute, the Articles are extant in the booke called *vetera Statuta*. The separation of the Kings person from his power, is the principall Article condemned, and yet all these three damnable, detestable, and execrable consequents, are the grounds whereupon this present time relies, and the principles whereupon the two Houses found their Cause.

The Villaine of a Lord, in the presence of the King, cannot be seized, for the presence of the King is a protection for that time to him: This shewes what reverence the Law gives to the person of a King.^{Flowden com. 322. 27. aff. pl. 49.}

Reges, sacro oleo uncti sunt capaces spirituallis jurisdictionis. But the two Houses were never held capable of that power.^{33 Ed. 3. ayd déroy 103.}

Rex est persona mixta cum sacerdote, habet Ecclesiasticam & spiritualem jurisdictionem. This shewes the Kings power in Ecclesiastical Causes.^{Fitz. 10. H. 7. 16.}

The lands of the King is caled in Law *Patrimonium sacrum*. The houses should not have meddled with that sacred Patromony.^{Com. Sur. Littl Sect. 4.}

The King hath no Peere in his land and cannot be judged? *Er-3. Ed. 3. 19.* go the two Houses are not above him.

The Parliament 15. *Ed. 3.* was repealed, for that it was against the Kings Lawes and prerogative, 4 *pars. instit fol. 52.* this shewes

clearly the Propositions sent to *Newcastle*, ought not to have been presented to his Majesty, for that they are contrary to the Lawes and his Prerogative.

4 pars Cookes instit. fol. 14. The Lords and Commons cannot assent in Parliament to any thing that tends to the Disinheritance of the King and his Crowne, to which they are sworn. This condemnes the said Propositions likewise.

42. E. 3. Parliament Rol. num. 7. Lex & consuetudo Parliamenti. To depose the King, to imprison him untill he assent to certain Demands, a War to alter the Religion established by Law, or any other Law, or to remove Councillors, to hold a Castle or Fort against the King, are Offences against that Law declared to be Treason by the Resolutions herein after-mentioned; by that Law Men are bound to ayd the King when War is levied against him in his Realme. King, in this Statute, must be intended in his naturall Body and Person that can only die; for to compass his Death, and declare it by Overt-act, is declared thereby Treason, to encounter in fight such as come to ayd the King in his Wars, is Treason.

25. Ed. 3. cap. 2.

Compassing of the Queenes death, of the Kings eldest son, to coyne his money, to counterfeit his Great Seale, to levie Warre against him, to adhere to such as shall so do, are declared by that Act to be high Treason. This Statute cannot refer to the King in his politique capacity, but to his naturall, which is inseperable from the politique, for a body politique can have neither Wife nor Child, not levie Warre, nor do any Act but by the operation of the naturall body: A Corporation or body politique hath no soule or life, but is a fiction of the Law, and the Statute meant not fictitious persons, but the body naturall, conjoynd with the publique, which are inseperable.

21. Ed. 4. 14.

The clause in that Act, that no man should sue for grace or pardon for any offence condemned, or forfeiture given by that Act, was repealed by a subsequent Act in 21. R. 2. holden unreasonable, without example and against the Law and Custom of the Parliament. This condemnes the Proposition for disabling the King to Pardon. *4. pars instit. fol. 42.* The Act of 11. R. 2. so much urged by the other side, was an Act to the which the King consented, and so a perfect Act: yet Note the Army then about the Town: Note that that Law is against private persons, and by the 3. cap. thereof, the Treasons there declared are declared to be new Treasons made by that Act, and not to be drawne to example, it was abrogated 21 R. 2. and revived by an usurper 1. H. 4. to please the people, and by the tenth chap. thereof enacts, that nothing shall be treason but what is declared by 25 Ed. 3.

R. 2. 11. anno cap. 13. 4. pars instit. fol. 42.

16. Ed. cap. 5.

The Regality of the Crown of *England* is immediately subject to God and to none other. Plaine words, shewing where the supreme power is.

H.

The

The Commission of Array is in force and no other Commission
Rot. Parlm. 5. H. 4. numb. 24. an Act not printed, this Act was
 repealed by 4. and 5. *P. & M. cap. 2.* this repealed by the Act of
 1. *Jacobi*, and so it is of force at this day, for the repealing Sta-
 tute is repealed 4. *pars instit. fol. 51. & 125.* published sithence
 this Parliament, by the desire of the house of Commons, their
 Order is printed in the last Leafe of the Commentaries upon
Magna Charta.

Sir *Edward Cooke*, by their party is holden for the Oracle of the A Booke al-
 Law, who wrote the said fourth part, in a calme and quiet time, lowed by Sir
 and I may say, when there was no need to defend the authority *Nat. Brent,*
 of the Commission of Array. *called The*

For that objection, that the Commission leaves power to the *Reason of the*
 Commissioners to tax men *secundum facultates*, and so make all *War, fol. 65.*
 mens estates Arbitrary: the Answer is, that in levying of publick
 ayds upon mens goods and estates, which are variable, and pro-
 bably cannot be certainly knowne by any but the owners, it is im-
 possible to avoid discretion in the assessments, for so it ever was,
 and ever will be. By this appeares that the Votes of the two
 houses against the Commission of Array, were against the Law.

The death of the King dissolves the Parliament, if Kings should *H. 5.*
 refer to the politique capacity it would continue after his death 4.
pars Instit. 46. which proves that the King cannot be said to be there 2. *H. 5. 4*
 when he is absent, as now he is: there is no *interregnum* in the *pars instit.*
 Kingdome the dissolution of the Parliament by his death, shewes 46.
 that the beginning and end thereof refers to the naturall person of
 the King, and therefore he may lawfully refuse the Propositions.

2. *H. 5. Chap. 6.* to the King only it belongs to make Leagues
 with Forraigne Princes. This shews where the supream Power is.

8 *H. 6. numb. 75 Rott. Parl. Cookes 4. pars instit. 25,* No pri-*H. 6.*
 vilege of Parliament is grantable for Treason, Felony, or Breach
 of the Peace; if not to any one member, not to two, not to ten,
 not to the Major part, 19 *H. 6. 62.* The Law is the inheritance
 of the King and his people by which they are ruled, King and
 people; and the people are by the law bound to ayde the King,
 and the King hath an inheritance to hould Parliaments and in the
 ayds granted by the Commonalty: If the major part of a Parlia-
 ment commit treason, they must not be judges of it, for no man or
 body, can be Judge in his owne cause, and aswell as ten or any
 number may commit treason, the greater number may aswell.

The King by his letters patents may constitute a County pala-32. *H. 6.*
 tine, and grant Regall rights. This shewes where the supream 13. *Plowd.*
 power is. 334.

17. *Ed. 4. Rot. Parl. numb. 39.* No priviledge of Parliament is *Ed. 4.*
 grantable for Treason, Fellony, or Breach of the Peace, if not for
 one, not for two or more, or a Major part.

The

The same persons must not be Judge and party. A corporate body can commit no Treason, nor can Treason be committed against a corporate Body, 21. E. 4, 13. and 14. but the persons of the men who make that body may commit Treason, and commit it against the naturall person of him who to some purposes is a body corporate, but *quatenus corporate* no Treason can be committed by or against such a body; that body hath no soul, no life, and subsists only by the fiction of the Law, and for that reason the Law doth conclude as aforesaid; therefore the Statute of 25. E. 3. must be intended of the Kings naturall person conjoynd with the politique which are inseparable and the Kings naturall person being at *Holmby*, his politique is there also, and not at *Westminster*; for the politique and naturall make one body indivisible.

Calvins Case
7 pars, fol. 11
12.

Plow. com.
213.

19. Ed. 4.
46.

22. Ed 4.
Fitz. jurif-
diction, last
placite.

Ed. 5.

4 Ed. 4. 25.

5 Ed. 4 29.

R. 3.

1 R. 3. cap.
15.

H. 7.

11 H. 7. cap
1.

If all the people of *England* should breake the league made with a forreigne Prince, without the Kings consent, the league holds and is not broken; and therefore the representative body is inferior to his Majesties.

The King may erect a Court of *Common-Pleas* in what part of the Kingdom he pleaseth by his Letters Patents: Can the two Houses do the like?

1. Ed. 5. fol. 2. It cannot be said that the King doth wrong, declared by all the Judges and Serjeants at Law then there.

The Reason is, nothing can be done in this Common-wealth by the King's Grant, or any other Act of his, as to the Subjects Persons, Goods, Lands or Liberties, but must be according to established Lawes, which the Judges are sworn to observe and deliver between the King and his People impartially to rich and poor, high and low; and therefore the Justices and the Ministers of Justice are to be questioned and punished if the Lawes be violated: And no reflection to be made on the King. All Counsellors and Judges for a yeare and three months untill the Tumults began this Parliament were all left to the ordinary course of Justice, what hath beene done sithence is notorious.

For great Causes and Considerations an Act of Parliament was made for the Surety of the King's person; if a Parliament were so tender of King *Rich.* the 3. the Houses have greater Reason to care for the preservation of his Majestie.

The Subjects are bound by ther Allegiance to serve the King for the time being against every Rebellion, Power and Might, reared against him within this Land, that it is against all Lawes, Reason and good Conscience, if the King should happen to be vanquished, that for the said Deed and true Duty and Allegiance they should suffer in any thing, it is ordained they should not: and all Acts of Proceffe of Law hereafter to be made to the contrary are to be void. This Law is to be understood of the naturall

all Person of the King, for his politique Capacity cannot be vanquished; nor War reared against it.

Relapsers are to have no benefit of this Act.

It is no Statute, if the King assent not to it, and he may dissent, this proves the negative Voice. 12 H. 7. 20.
H. 8.

The King hath full Power in all Causes to do Justice to all Men, this is affirmed of the King, and not of the two Houses. 24 H. 8. c. 12.
25 H. 8. c. 21.

The Commons in Parliament acknowledge no superior to the King under God, the Houses of Commons confesse the King to be above the representative Body of the Realme.

Of good Right and Equity the whole and sole Power of pardoning Treasons, Fellonies, &c. belong to the King, as also to make all Justices of Oyer and Terminer, Judges, Justices of the Peace, &c. This Law condemns the Practise of both Houses at this time. par-27 H. 8. c. 24.
Note.

The King's royall Assent to any Act of Parliament signed with his Hand expressed in his Letters-patents under the great Seale, and declared to the Lords and Commons shall be as effectually, as if he assented in his owne person; a vaine Act if the King be virtually in the Houses. 33 H. 8.
cap. 21.

The King is the head of the Parliament, the Lords the principal Members of the Body, the Commons the inferior Members, and so the Body is composed, therefore there is no more Parliament without a King, than there is a Body without a Head. Dier 38 H. 8.
fol. 59. 60.

There is a Corporation by the Common-law, as the King, Lords, and Commons, are a Corporation in Parliament, and therefore they are no Body without the King. 14 H. 8.
fol. 3.

The Death of the King dischargeth all Mainprise to appear in any Court, or to keep the Peace. 24 Ed. 3. 48.
1 Ed. 4. 2.

The Death of the King discontinues all Pleas by the Common-law, which agreeth not with the virtuall Power insisted upon now. 2 H. 4. 8.
1 H. 7. 10.
1 Ed. 5. 1.

Writs are discontinued by the Death of the King; Patents of Judges, Commission for Justices of the Peace, Sheriffs, Escheators, determined by his Death; where is the virtuall power. Ed. 6.
1 Ed. 6. c. 7.

All Authority and Jurisdictions spirituall and temporall is derived from the King, therefore none from the Houses. 1 Ed. 6. c. 2.

His Majesties Subjects, according to their bounden Duties, ought to serve the King in his Wars, of this side or beyond the Seas; beyond the Seas is to be understood for Wages, This proves the Power of Wars, and Preparation for War to be in the King. 2. 3 Ed. 6.
cap. 2.
11 H. 7. c. 1.
Calvins
Case. Sa.
pars Cooke.

It is most necessary both for common Policy and Duty of the Subject, to restrain all manner of shamefull Slanders against their King, which when they be heard, cannot but be odible to his true and loving Subjects, upon whom dependeth the whole Unity and universal Weale of the Realm. This condemns their continuing of

of the weekly Pamphlets, who have been so foul-mouthed against his Majesty.

2. *Mary.* The Punishment of all Offenders against the Laws, belongs to the King, and all Jurisdictions do, and of right ought to belong to the King. This leaves all to his Majesty.

4. 5. *P. & M.* All Commissions to levy Men for the War, are awarded by the King. The Power of War only belongs to the King.

10 *Eliz. Pl.* It belongs to the King to defend his People, and to provide Arms and Force. No speech of the two Houses.

Plow. 234. *Roy ad sole government de ses subjects.* *Corps naturall le Roy & politique sunt un corps*, that is, The King hath the sole government of his Subjects, the body politique and the naturall body of the King make one body and not divers, and are inseparable and indivisible.

Plow. 934. The body naturall and politique make one body, and are not to be severed: Ligeance is due to the naturall body, and is due by nature; Gods Law, and Mans Law, cannot be forfeited nor renounced by any meanes, it is inseparable from the person.

12. Every Member of the House of Commons, at every Parliament, takes a corporall Oath, That the King is the Supreme and only Governour in all Causes, in all his Dominions, otherwise he is no Member of that House; the Words of the Law are, In all Causes, over all persons.

The said Act of 1 *Eliz.* is but declarative of the ancient Law, *Cawdries Case, ibid.*

43 *Eliz. 3* The Earle of *Effex*, and others, assembled multitudes of men to remove Counsellors, adjudged Treason by all the Judges of England.

39. *Eliz.* To depose the King, or take him by force, to imprison him untill he hath yeelded to certain Demands, adjudged Treason, and adjudged accordingly in the Lord *Cobham's Case.*

39 *Ed.* Arising to alter Religion established, or any Law, is Treason; so for taking the Kings Castles, Forts, Ports or Shipping, *Brooke f. 9. & 16.* Treason 24. 3 and 4. *Philip and Mary, Dier, Strafford's Case* concerning *Scarborough.*

By all the Judges of England, *ib.* The Law makes not the Servant greater than the Master, nor the Subject greater than the King; for that were to subvert Order and Measure.

10 *Eliz.* The Law is not known but by Usage, and Usage proves the Law, and how Usage hath been is notoriously knowne.

K. James. The King is our only rightfull and lawfull Liege Lord and Sovereigne. We doe upon the Knees of our Hearts agnize constant Faith, Loyalty and Obedience to the King and his Royall Progeny; in this High Court of Parliament, where all the Body of the Realme is eyther in Person or by Representation: We do acknowledge

ledge that the true and sincere Religion of the Church, is continued and established by the King. And doe recognize, as we are bound by the Law of God and Man, the Realme of *England*, and the Imperiall Crowne thereof doth belong to him by inherent byrth-right, and lawfull and undoubted succession, and submit our selves and our posterities for ever, untill the last drop of our blood be spent, to his rule; and beseech the King to accept the same as the first Fruits of our Loyalty and Faith to his Majesty and his Posteritie for ever, and for that this Act is not compleat nor perfect without his Majesties Assent, the same is humbly desired. This proves that the Houses are not above the King; that Kings have not their Titles to the Crowne by the two Houses, but by inherent byrth-right, and that there can be no Statute without his expresse Assent, and destroys the Chymera of the Kings virtual Being in the Houses.

To promise Obedience to the Pope, or any other State, Prince ^{3 Jac. cap. 4.} or Potentate, other than the King his Heirs and Successors, is Treason; and therefore those Persons who call the Houses the Estates offend this Law.

Such Bills as his Majesty is bound in Conscience and Justice ^{K. Charles.} to passe, are no Law without his Assent. ^{Collection of}

To designe the Ruine of the King's Person, or of Monarchy, ^{Ordinances,} is a monstrous and injurious Charge. ^{fol. 727. I}

Ubi Lex non distinguit, non est distinguendum, all the aforesaid ^{pars ib. fol.} Acts and Lawes doe evidently prove the Militia to belong to the ^{728.} King: That the King is not virtually in the two Houses: that the ^{ibid. fol. 865.} king is not considerable separately in relation to his politique capacity: that the king is not a Person trusted with a Power, but that it is his inherent Byrth-right, from God, Nature and Lawe, and that he hath not his Power from the People: These Lawes have none of those Distinctions of Naturall and Politique, *abstractum & concretum*, Power and Person; in *Cæsar's* time this Island had Kings, and ever since, which is almost seventeen hundred Yeeres agoe.

No King can be named, in any time, made in this Kingdom by the People: A Parliament never made a King, for they were Kings before; the Parliaments are summoned by the King's Writs, which for the Knights, Citizens and Burgeses, begins thus, viz.

Rex vic, Wilts. Saltem. Quia Nos de avisamento & assensu consilij nri. pro quibus. arduis & urgentib. negotiis nos statum & defensionem Regni nri. Ang. & Eccles. Anglic. concernentibus quoddam Parlamentum nrum, apud B. teneri ordinavimus & ibid cum Prelatis Magnatib. & proceribus dicti Regni nri. Colloqui, habere & tractatum, ipsi Vicecomiti precipimus firmiter injungendo qd. facta Proclamatione in prox. Comitatu tuo post receptionem ejusd. Brevis, duos Milites gladiis cinctos, &c. eligi facias ad faciendum & consenti-

A Second Collection of TRACTS.

endum hiis quæ tunc ibidem de Communi Concilio nro. Angl faventi Deo contigerit ordinari super Negotiis antedictis, ita quod pro defectu potestatis hujusmodi seu propter improvidam electionem Milium, Civium, & Burgensium pred. dicta negotia nra. infecta non remanerent.

The King is *Principium, caput & finis Parliamenti*, the body makes not the head, nor that which is *posterior* that which is *prior* 4 pars Instit. *concilium non est Preceptum, conciliarij non sunt Præceptores*, for fol. 3 & 4. Counsell to compell a consent hath not been heard of to this time in any age, and the House of Commons, by the writt, are not called *ad concilium*; the Writts to the twelve Judges, Kings Counsell, twelve Masters of the Chancery are *concilium impensury*, and so of the Peers. The writts for the Cominalty, *Ad faciendum & consentiendam*. Which shewes what power the representative body hath, they have not power to give an oath neither do they claime it.

The Oath of The King at all times, when there is no parliament, and in Par- the Justices liament is assisted with the advice of the Judges of the Lawe, 18 of E. 3. 12 in number, for *England* at least hath 2 Sergeants when fewest: among Sta- an Attorney and Solicitor, twelve Masters of the Chancery, his tutes of that Councell of State, consisting of some great Prelates and other yeere. great Personages, versed in State affaires, when they are fewest to the number of twelve. All these Persons are alwaies of great substance, which is not preserved but by the keeping of the Lawe. The Prelates versed in divine Lawe, the other grandees in affaires of State and managery of Government. The Judges, Kings Sergeants, Attorney, Sollicitor, and Masters of the Chancery versed in the Lawe and Customes of the Realme: All sworn to serve the King and his people justly and truly, the King is also sworn to observe the Laws, and the Judges have in their Oath a clause, That they shall do common right to the Kings People, according to the established Laws, notwithstanding any command of the King to the contrary, under the Great Seal or otherwise. The people are safe by the Lawes in force without any new: The Law finding the Kings of this Realme assisted with so many great men of Conscience, Honour and skill in the rule of Common wealth, knowledge of the Lawes, and bound by the high and holy bond of an Oath upon the Evangelists, settles among other powers upon the King, a Power to refuse any Bill agreed upon by both Houses, and power to pardon all offences, to passe any Graunts in his Minority, (there are many great persons living, hold many a thousand pound a yeare by Patents from *Edward* the sixt, passed when he was but ten yeares of age) not to be bound to any Law to his prejudice, whereby he doth not binde himselfe; power of warre and peace, coyning of Money, making all Officers, &c. The Lawe, for the reasons aforesaid, hath approved these powers to be unquestionable in the King, and all Kings have enjoyed them till 3. Nov. 1640.

It will bee said notwithstanding all this fence about the Lawes, the Lawes have been violated, and therefore the said powers must not hold, the two Houses will remedy this.

The answer to this is evident: There is no time past, nor time present, nor will there be time to come, so long as men manage the Lawe, but the Lawes will be broken more or lesse, as appears by the story of every age. All the pretended violations of this time were remedied by Acts to which the King consented before his departure 10. Jan. 1641. being then driven away by Tumults. And the Houses for a yeere and almost three Moneths: From 3. Nov. 1640 to 10 Jan. 1641. as aforesaid, being a yeere and almost three moneths, had time and liberty to question all those persons who were eyther causes or instruments of the violation of any of the Lawes.

Examine how both Houses remedied them in former times. First, touching Religion, What hath been done this way? Both houses in *Henry* the eighths time tendred to him a Bill to bee passed called commonly the Bill of the six Articles, this was conceived by them to be a just and a necessary Bill: Had not *Henry* the eighth done well to have refused the passing of this bill? both houses tendered a bill to him to take the reading of the Scriptures from most of the laity: had not King *Kenry* the eight deserved much prayse to reject this bill? In *Queene Maryes* time both houses exhibited a bill to her to introduce the Popes power and the Roman Religion; had not *Queene Mary* done well to have refused this bill? Many such instances may be given. The two Houses now at *Westminster* I am sure will not deny but the refusall of such Bills had beene just, the King being assisted as aforesaid, and why not so in these times?

For the Civil Government what a bill did both houses present to *Richard* the third, to make good his title to the Crowne; had it not beene great honour to him to have rejected it? what bills were exhibited to *Henry* the eight by both houses for bastardizing of his daughter *Elizabeth*, a Queen of renowned memory, to settle the Crowne of this Realme, for default of Issue of his body, upon such persons as he should declare by his letters Patents or his last will, and many more of the like? had not this refusal of passing such bills magnified his virtue and rendred him to posterity in a different Character from what he now hath?

And by the experience of all times and the consideration of human frailty this conclusion is manifestly deduced, that it is not possible to keepe men at all times (be they the houses, or the King and his councell) but there will be sometimes some deviation from the Lawes, and therefore the constant and certaine powers fixed by the ancient Law must not be made void, and the Kings Ministers;

the Laws do punish where the Law is transgressed, and they only ought to suffer for the same.

In this Parliament the houses exhibited a bill to take away the suffrages of Bishops in the upper house of Parliament, and have since agreed there shall be no more Bishops at all, might not the King if he had so pleased have answered this bill with *Le Roy s'avisera*, or *ne veult*, it was against *Magna Charta*; *Articuli Cleri*, and many other Acts of Parliament. And might have farther given these reasons if it had so pleased him for the same: first that this bill destroyes the writt whereby they are made two houses of Parliament, the King in the writt to the Lords being *Cum praelatis colloquium habere*; secondly they have beene in all Parliaments since we had any, and voted, but in such wherein they themselves were concerned: And there have beene Bishops here ever since we were Christians, and the fundamentall Law of the Kingdome approves of them: if any of them were conceived offensive; they were left to justice, and his Majestie would put in inoffensive men in their places: but since his Majestie hath passed the Bill for taking away their votes in Parliament, it is a Law that binds us so farr.

Upon the whole matter the Law hath notably determined that Bills agreed by both houses, pretended to be for the publique good, are to be judged by the King, for in all Kings reigns Bills have been preferred by both houses, which alwayes are pretended to be for the publique good, and many times are not, and were rejected with *Roy s'avisera* or *Roy ne veult*.

This Parliament beganne the third of *November* 1640, before that time in all the Kings reigne no armed power did force any of the people to do any thing against the law: what was done, was by his Judges, Officers, Referees and Ministers from that time untill the tenth of *January* 1641, (when the King went from *London* to avoyde the danger of frequent tumults, being a yeare and three months, Privy Councillors, and all his Justices and Ministers were left to the Justice of the law, there wanted no time to punish punishable men.

The Saphære of the house of Commons is to represent the grievances of the Countrey, to grant aydes for the King upon all fit occasions extraordinary, to assent to the making or abrogating of lawes: The Orb of the house of Lords to Reforme eroneous judgements given in the Kings Bench, to redresse the delayes of Courts of Justice, to receive all Petitions, to advise his Majestie with their Councill, to have their votes in making or abrogating of Lawes, and to propose for the common good, what they conceive meete.

Lex non cogit ad impossibilia, Subjects are not to expect from Kings impossible things, so many Judges, Councillours, Sheriffes, Justices

Justices of the peace, Commissioners, Ministers of State, that the King should over-looke them all cannot be, it is impossible.

The King is virtually in his ordinary Courts of Justice; so long as they continue his Courts: their charge is to administer the lawes in being, and not to delay, deferre or sell Justice for any commandement of the King. We have Lawes enough *instrumenta boni seculi sunt boni viri*, good ministers, as Judges and officers are many times wanting, the houses propose new Lawes, or abrogation of the old; both induce novelty: the law for the reasons aforesaid, makes the King the only Judge, who is assisted therein by a great number of grave, learned, and prudent men, as aforesaid.

For the considerations aforesaid the Kings party adhered to him, the law of the Land is their birth-right, their guide, no offence is committed where that is not violated: they found the commission of Array warranted by the law; they found the King in this Parliament to have quitted the Ship-money, Knight-hood-money, seven Courts of Justice, consented to a trienniall Parliament, settled the Forest bounds, tooke away the Clerke of the Market of the Houshold, trusted the house with the Navie, passed an Act not to dissolve this Parliament without the Houses assent; no people in the world so free if they could have been content with Laws, oaths and reason, and nothing more could or can be devised to secure us, neither hath been in any time.

Notwithstanding all this, we found the King driven from *London* by frequent Tumults, that two thirds and more of the Lords had deserted that House, for the same Cause, and the greater Part of the House of Commons left that House also for the same Reason: new Men chosen in their Places, against Law, by the pretended Warrant of a counterfeit Seale; and in the King's Name against his Consent, levying War against him, and seizing his Ports, Forts, Magazines and Revenue, and converting them to his destruction, and the subversion of the Law and Land; laying taxes on the people, never heard of before in this Land; devised new oathes to oppose forces rayfed by the King, not to adhere to him, but to them in this Warre which they call the Negative Oath, and the Vow and Covenant.

By severall wayes never used in this Kingdom they have raised monies to foment this warre, and especially to enrich some among them; namely first Excise, secondly Contributions, thirdly Sequestrations, fourthly Fift parts, fifthly Twentieth Parts, sixthly Meale-money, seventhly Sale of Plundered goods, eighthly Loans, ninthly Benevolences, tenthly, Collections upon their Fast-dayes, eleventhly new Impositions upon Merchandizes, twelfthly Guards maintained upon the charge of private men, thirteenthly Fifty Subsidies.

Subsidies at one time, fourteenthly Compositions with such as they call Delinquents, fifteenthly Sale of Bishops lands, &c.

1 R. 3. cap. 3. From the Kings party meanes of subsistence are taken; before
Bract. li. 3. any indictment, their Lands seized, their goods taken, the Law
c. 8. Stan- allows a Traytor or Fellon attainted, *Necessaria sibi & familiae suae*
ford 192. *in victu & vestitu*, where is the Covenant? where is the Petition
Sir G. Fleet- of Right? where is the Liberty of the Subject?

woods Case 8. First, We have ayded the King in this warre contrary to the
pars Cook 7. negative oath and other votes, Our warrant is the twenty fifth of
H. 4. last *Edward* the third, the second Chapter, and the said resolutions of
leafe. all the Judges.

Secondly, Wee have maintained the Commission of Array by the Kings Command, contrary to their votes: We are warranted by the statute of the fifth of *Henry* the fourth, and the judgement of Sir *Edward Cooke*, the Oracle of the Law as they call him.

Thirdly, We maintained Arch-Bishops and Bishops, whom they would suppress. Our warrant is *Magna Charta*, and many statutes more.

Fourthly, we have maintained the booke of Common-Prayer, they suppress it, Our warrant is five acts of Parliament in *Edward* the sixth and Queene *Elizabeths* time, 5. *Pescha* 35. *Elizabeth inter placita Coronae in Banco Regis*, New booke of Entries, fol. 252. *Penry*, for publishing two scandalous Libels against the Church government, was indicted, arraigned, attainted, and executed at *Tyburne*.

Fifthly, We maintained the Militia of the Kingdom to belong to the King, they the contrary, Our warrant is the statute of the seventh of *Edward* the first, and many statutes sithence, the practise of all times, and the custome of the Realm.

Sixthly, We maintained the counterfeiting of the great Seale to be high Treason, and so of the usurpation of the Kings Forts, Ports, Shipping, Castles and his Revevenue, and the Coyning of money, against them; We have our warrant by the said statute of the twenty fifth of *Edward* the third, Chapter the second, and divers others since, and the practise of all times.

Seventhly, We maintaine that the King is the only supreme governour in all causes. They, that his Majesty is to be governed by them, Our warrant is the statutes of the first of Q. *Elizabeth* Chapter the first, and the fifth of Q. *Elizabeth* the first.

9 Ed. 4. fol. 4. Eighthly, Wee maintaine that the King is King by an inherent birth-right, by nature, by Gods law, and by the law of the Land, They say his Kingly right is an office upon trust, Our warrant is the statute of the first of King *James* Chapter the first, And the resolution of all the Judges of *England* in *Calvins* case.

Ninthly, We maintain that the politick capacity is not to be severed from the naturall. They hold the contrary: Our warrant is

is two statutes (*viz.*) *exilium Hagonis* in *Edward* the seconds time, and the first of *Edward* the third, Chapter the second, and their Oracle who hath published it to posterity, that it is damnable, detestable and execrable Treason, *Calvins* case *pars* 7. fol. 11.

Tenthly, we maintain that who aids the King at home or abroad ought not to be molested or questioned for the same, they hold and practise the contrary, our warrant is the statute of the eleventh of *Henry* the seventh, Chapter the first.

Eleventhly, We maintain that the King hath power to disassent to any Bill agreed by the two Houses; which they deny. Our warrant is the Statute of the second of *Henry* the fift, and the practise of all times, the first of King *Charles*, Chapter the seventh the first of King *James* Chapter the first.

Twelfthly, We maintain that Parliaments ought to be holden in a grave and peaceable manner, without tumults, They allowed multitudes of the meanest sort of people to come to *Westminster* to cry for Justice when they could not have their will, and keep guards of armed men to wait upon them. Our warrant is the Statute of the seventh of *Edward* the second and their Oracle. Coll. of Ord. fol. 31.

Thirteenthly, We maintain that there is no state within this Kingdome but the Kings Majesty, and that to adhere to any other State within this Kingdome is high treason, our warrant is the Statute of the third of King *James* Chapter the fourth, and the twenty third of Queen *Elizabeth* Chapter the first.

Fourteenthly, We maintain that to levy a warre to remove Councillours, to alter religion, or any Law established is high Treason, They hold the contrary. Our warrant is the resolutions of all the judges of *England* in Queen *Elizabeths* time, and their oracle agrees with the same.

Fifteenthly, We maintain that no man should be imprisoned, put out of his Lands, but by due course of Law, and that no man ought to be adjudged to death but by the Law established the customes of the Realm, or by act of Parliament; They practise the contrary in *London*, *Bristol*, *Kent*, &c. Our warrant is *Magna Charta*, Chapter the twenty ninth, the *Petition of right* the third of King *Charles*, and divers Lawes there mentioned.

We of the Kings party, did and do detest Monopolies, and ship-money, and all the grievances of the people as much as any men living, we do well know that our estates, lives and fortunes are preserved by the Lawes, and that the King is bound by his lawes, we love Parliaments, if the Kings, Judges, Counsell or Ministers have done amisse, they had from the third of *November* 1640 to the tenth of *January* 1641 time to punish them, being all left to Justice, where is the Kings fault?

11 pars Cooks
Reports
Magdalen
Colledge
Case.

The law saith the King can do no wrong, that he is *medicus Regni, pater patriæ sponfus regni qui per anulum* is espoused to his Realm at his Coronation; The King is Gods Lieutenant, and is not able to do an unjust thing, these are the words of the Law.

One great matter is pretended that the people are not sure to enjoy the acts passed this Parliament, A succeeding Parliament may repeal them; The objection is very weak, a Parliament succeeding to that may repeal that repealing Parliament. That feare is endlesse and remedlesse, for it is the essence of Parliaments being compleat and as they ought to be, of head, and all the Members, to have power over Parliaments before; Parliaments are as the time are; if a turbulent faction prevails the Parliaments are wicked as appears by the examples recited before of extreme wicked Parliaments: if the times be sober and modest, prudent and not biaised, the Parliaments are right good, and honourable, and they are good medicines and salves, but in this Parliament *excessit medicina modum*.

In this cause and warre between the Kings Majesty, and the two Houses at *Westminster*, what guide had the Subjects of the Land to direct them but the lawes? What means could they use to discern what to follow, what to avoid but the Lawes? The King declares it treason to adhere to the Houses in this warre: The Houses declare it Treason to adhere to the King in this Warre. The Subjects for a great and considerable part of them (treason being such a crime as forfeits life and estate, also renders a mans posterity base, beggerly and infamous) looke upon the Lawes, and find the letter of the law requires them to assist the King, as before is manifested, was ever subject criminally punished in any age or nation for his pursuit of what the letter of the Law commands?

The Subjects of the kingdome find the distinction and interpretation now put upon the Lawes of *Abstractum & Concretum*, Power and Person, body politique, and naturall, Personall presence and virtuell, to have beene condemned by the law: And so the Kings party hath both the letter of the law and the interpretation of the letter cleared to their judgments, whereby they might evidently perceive what side to adhere to, what satisfaction could modest peaceable and loyall men more desire?

A verbo legis in criminibus & pœnis non est recedendum, hath been an approved maxime of law in all ages and times. If the King be King and remain in his Kingly office (as they call it) then all the said lawes are against them without colour: they say the said lawes relate to him in his Office, they cannot say otherwise, Commissions and pardon in the Kings name, and the person of the King and his body politique cannot, nor ought be served

Coll. of Or-
dinances,
777.

as hath been before declared: And the members of both houses ^{5 Elizabeth.} have sworn constantly in this Parliament that the King is the only ^{cap. 1.} supreme Governor in all Causes over all Persons at this present ^{1 Eliz. cap. 1.} time.

For that of verball or personall Commands of the King which is objected, we affirm few things to be subject thereto by the Law: But his Majesties Command under his Great Seale, which in this War hath been used by the Kings Command for his Commission to leavy and array Men, that is no personall Command (which the Law in some Cases disallows) but that is such a Command, so made, as all Men hold their Lands by, who hold by Patents: All Corporations have their Charters which hold by Charters, and all Judges and Officers their Places and Callings.

It is objected the King cannot suppress his Courts of Justice, *Ob.* and that this War tended to their Suppression. *Sol.*

The Answer is, the King cannot nor ought to suppress Justice ^{7 pars.} or his Courts of Justice, nor ever did: But Courts of Justice, by ^{The} *Earl of West-* ^{moreland's} *abuser or non user* cease to be Courts of Justice; when Judges are ^{Cafe. 1 Eliz.} made and Proceedings in those Courts holden by others than ^{Dier. 165.} Judges made by the King, and against his Command under the ^{7 pars} Great Seal, and his Majesty is not obeyed, but the Votes of the Houses, they cease to be the King's Courts, and are become the ^{The} Courts of the Houses, and his Judges breaking that Condition in ^{Discontinu-} Law, of Trust and Loyalty, implied in their Patents, are no longer ^{ance of Pro-} his Judges; they obey and exercise their Places by vertue of Writs ^{cesses.} and Processes under a counterfeit Seale. The King only can make Judges, the twenty-seventh of *Henry* the Eighth, Chapter the twenty-fourth, *Justices of the Peace*, &c. twenty-eighth of *Henry* the Eighth *Dier* the Eleventh, the King's Patent makes Judges: The cheefe Justice of the *King's-Bench* is made by the King's Writ only of all the Judges.

The Great Seale is the Key of the Kingdome, and meet it is ^{Articuli su-} that the King should have the Key of his Kingdome about him; ^{per chartas,} ^{2 pars instit. 552.} which confutes their saying that the King got ^{cap. 5.} the Seale away surreptitiously.

The King, and he only, may remove his Courts from *Westmin-* ^{Britton, fol.} *ster* into some other Place; at *Yorke* the Termes were kept for se- ^{23.} ven years, in *Edward* the First's Time: but for the Court of *Common-Pleas*, the Place must be certain; for the *King's-Bench* and *Chancery*, the King by the Law may command them to attend his Person always, if it seeme so meet unto him: but the removing of the *Common-Pleas* must be to a Place certaine and so notified to the People.

All the Books of Law in all Times agree, that the King may ^{34. Affis. pl.} grant Conuance of all Pleas at his Pleasure within any County or ^{24. 22. Ed.} Precinct to be holden there only, and remove the Courts from ^{4. Fitz. ju-} ^{risdiction last} *West-placit.*

6 H. 7. 9. *Westminster* to some other Place (for the *Common-Pleas*, the Place
6 Eliz. Dier. must be certaine, and so notified to the People) and adjourne the
226. Termes as he sees Cause. All which the two Houses have violated. *Plebs sine lege ruit.*

Some seeming Objections of Master *Prinn's*, scattered in divers Books answered, and the Truth thereby more fully cleared.

1 Ob. The first of *Henry* the Fourth reviveth the Statute of the Eleventh of *Richard* second, and repeales to the Twelfth of *Richard* the second, whereby certain Persons were declared Traytors to the King and Kingdome, being of the King's Party.

Sol. True, but note, the Eleventh of *Richard* the second, a Parliament beset with forty thousand Men, and the King assents to it, so an Act, and besides the first of *Henry* the Fourth declares, that the Treasons mentioned in the Act of the Eleventh of *Richard* the Second, being but against a few private Men, shall not be drawn into Example, and that no Treason should be, but such as the
9 Ed. 4. fol. 80. twenty-fift of *Edward* the Third declares. All these are Acts passed by the King, and the three Estates, not to be drawn into Example in a tumultuous Time, by a besieged Parliament, with an Army, and the Confirmer of *Henry* the Fourth, being an Usurper, makes that Act of the first of *Henry* the Fourth to secure himselfe. Also what is this in the Votes of the two Houses only at this time.

2 Ob. The Court of Parliament is above the King, for it may avoid his Charters, Commissions, &c. granted against the Law.

Sol. And the Law is above the King.

By the same Reason you may say that the Courts of *Chancery*, or any of the Courts of Law at *Westminster*, are above the King, for they make of no Effect the King's Charters, which are passed against the Law: and the King is subject to Law, and sworn to maintain it. Again, it is no Parliament without the King, and the King is the head thereof, he is *principium Caput & finis* of a Parliament, as *Modus tenendi Parliament*, hath it, and two houses only, want *principium Caput & finis* of a Parliament, and it is a sorry Parliament that wants all these; and therefore to say that Parliaments are above the King, is to say that the King is above himself.

3 Ob. The Parliament can enlarge the King's Prerogative, therefore it is above him.

Sol. If the King assent, otherwise not; and then it is an Act of Parliament, and otherwise no Act.

4 Ob. *Braeton* saith, God, the Law, and the King's Court, (*viz.*) his Earles and Barons are above the King, (*viz.*) in Parliament, as Master *Prynne* expounds it.

Sol. Where is then the House of Commons? Indeed, take God, the Law, and Earles and Barons together it is true; but to affirm that the Earls and Barons in Parliament are above the King (the King being

being the Head of the Parliament, and they one of the Members) how an inferior Member is above the Head, is hard to conceive: besides, that Position destroys all M. *Prynne's* Discourse, who attributes so much to the House of Commons.

The King is but one of the three Estates of Parliament, and 5 *Ob.* two are greater than one; therefore above.

The Legs, Arms, and Trunk of the Body are greater than the Head, and yet not above; nor with Life, without it: the Argument holds for Quantity, but not for Quality; and in truth, the King is none of the three Estates, but above them all; the three Estates are, the Lords Spiritual, the Lords Temporal, and the Commons. *Coke*, their Oracle, in his Chapter of Parliaments, fol. 1.

In Corporations, the greater Number of Voyces make all the Acts of the Corporation valid; therefore so in Parliament. 6 *Ob.*

By this Reason the King's Assent is needlesse, and to no End, and all the Acts of Parliament formerly mentioned, and Law-Books have quite mistaken the Matter, which with unanimous Voyce requires the King's Assent as necessary: besides, the Corporations are so constituted by the King's Charters, that the greater Number of Votes shall make their Acts valid. *Sol.*

The King, as King, is present in his Parliament as well as in all other his Courts of Justice, howbeit he is not there. 7 *Ob.*

In his other Courts of Justice he hath no Voyce, he is none of the Judges, in the Parliament he hath; if his Presence be not necessary, his Voyce is not, nor his Assent. *Sol.*

The originall prime legislative power of making Laws, to bind the Subjects and their Posterity, rests not in the King, but in the Kingdom and Parliament, which represents it. 8 *Ob.* Sovereign Power of Parliaments,

Master *Prynne* in the same lease affirms, and truly, that the King's Assent is generally requisite to passe Lawes and ratifie them; the King is the Head of the Kingdom and Parliament, how then can a Body act without a Head? 46, 47. *Sol.*

A *major* part of a Corporation binds, therefore the *major* part in Parliament, and so of By-laws. 9 *Ob.*

The Corporation is so bound, either by the King's Charters, or by prescription, which sometimes had the King's Concession; but Prescription, and Law, and Practise, always left the King a negative Voyce. *Sol.*

The King cannot alter the Bills presented to him by both Houses, 10 *Ob.* g^o.

True; but the King may refuse them. *Sol.*

Acts of Parliament and Laws ministered in the Reigns of Usurpers, bind rightfull Kings, 11 *Ob.* g^o.

What is this to prove the two Houses Power only, which is the question? A King *de facto* must be obeyed by them who submitted

ted to him, and they are his Subjects by their Submission, and not
 9. Ed. 4. 12. Subjects *de facto* to the true King, and such being Traytors and
 Rebels to the Regent King (having renounced the true King)
 when the lawfull King is restored, may be punished by him for
 their Treason against the Usurper. But here is a King still in
 both Cases, and the Proceedings at Law holds; the Judges having
 their Patents from the being Kings, in the Reignes of Kings, *de*
facto or *de jure*, for all Kings are bound and sworn to observe the
 Lawes.

12 Ob. A King dies without Heir, is an Infant, *non compos mentis*, &c.
 the two Houses may establish Laws, g^o.

Sol. There is no *Inter-regnum* in England, as appears by all our Books
 of Law; and therefore the dying without Heir is a vain Suppo-
 sition, and by their principle he is considerable in his politique ca-
 pacity, which cannot die at all: The Protector, assisted by the
 Councell of the King at Law, his twelve Judges, the Councell of
 State, his Attorney, Solicitor, and two Sergeants at Law, his
 twelve Masters of the *Chancery*, hath in the King's behalf, and
 ever had, a negative Voice: but what is this to the present Que-
 stion? We have a King of full Age, of great Wisdom and
 Judgment; the power of the two Houses in such a case to be over
 the King, cannot be shewn.

13 Ob. The King cannot dis-assent to publique and necessary Bills for
 the common good, g^o.

Sol. Nor ever did good King: but who shall be judge, whether they
 be publique and necessary? The *major* part in either of the
 Houses, for passing of Bills so pretended, may be but one or two
 Voyces, or very few, and perhaps of no judicious Men: Is it not
 then fitter or more agreeable to Reason, that his Majesty and
 Councell of State, his twelve Judges, his Sergeants, Attorney and
 Solicitor, twelve Masters of the *Chancery*, should judge of the con-
 veniencie and benefit of such Bills for the publique Good, rather
 than a *minor*, (of which sort there may be in the Houses) or a
 weak Man, or a few, who oftentimes carry it by making the *ma-*
ior part, which involves the Consent of all? let Reason deter-
 mine.

14 Ob. The Kings of England have been elective; and the King by his
 Coronation-Oath is bound to maintain *justas leges & consuetudines*
quas vulgas elegerit, g^o.

Sol. *Poperie* hath beene in the kingdome, and therefore to conti-
 nue it still, will not be taken for a good argument; when things
 are settled for many ages, to look back to times of confusion is to
 destroy all repose: The Act of Parliament, of the first of K.
James, Chapter the first, and all our extant Lawes say, that the
 Kings Office is an heritage inherent in the bloud of our Kings,
 and their birth-right.

And

And Usurpers that come in by the consent of the people, are Ed. 4. c. i. Kings *de facto*, but not *de jure*, as appears by the Acts of Parliament declaring them so: And by all our Law-Bookes and the fundamentall constitution of the Land, Regall power is hereditarie and not elective.

For the words (*vulgus elegerit*) if *vulgus* be applyed to the 1 H. 7. House of Commons, they of themselves can make no Lawes, The Peeres were never yet tearmed *vulgus*; but allowing they be so called, the lawes to be made must be just; and who is fit to judge thereof, is before made evident.

Customes cannot referre to future time, and both are coupled, 15. Ob. Lawes and Customes.

Princes have beene deposed, and may be by the two Houses, g^o.

The deposers were Traytors, as appears by the resolution Sol. of all the Judges of *England*; Coke, Chap. Treason, in the second part of the Institutes. And never was King deposed but in tumultuous and mad times, and by the power of Armies, and they who were to be the succeeding Kings in the head of them, as *Edward* the third and *Henry* the fourth.

The appeale to the Parliament for errors in judgments in all 16. Ob. Courts, is frequent, g^o.

This is onely to the House of Lords, and that is not the Parliament; the House of Commons have nothing to doe there-with: and in the House of Peeres, if a Writ of Error be brought to reverse any judgement, there is first a petition to the King for the allowance thereof; and the reason of the Law in this case is, for that the Judges of the Land all of them, the Kings Councell, and twelve Masters of the Chancerie assist there, by whose advice erroneous judgements are redressed.

The Parliaments have determined of the rights of Kings, as 17. Ob. in *Henry* the sixts time, and others; and Parliaments have bound the succession of Kings, as appears by the Statute of the thirteenth of Q. *Elizabeth* Chapter the first: and the discent of the Crowne is guided rather by a Parliamentarie Title than by Common Law, g^o.

If this Objection be true, that the Title to the Crowne is by Parliament, then we had no Usurpers, for they all had Parliaments to back them, yea, *Richard* the third, that Monster. All our Bookes of Law say they have the Crowne by discent, and the Statutes of the Land declare, that they have the same by inherent birth-right. And the Statute of the thirteenth of *Elizabeth*, the first Chapter, was made to secure Q. *Elizabeth* against the Qu. of *Scots*, then in the kingdome, clayming the Crown of *England*, and having many adherents. And that Statute to that end affirmes no such power in the two Houses (which is the Question)

Question) but in *Q. Elizabeth*, and the two Houses, which makes against the pretence of this time.

Master *Prynne*, fol. 104. of his booke, intituled, *The Parliaments supreme power, &c.* Objecting the Statute of the first of Queen *Elizabeth*, and his own Oath, that the king is the onely supream Governour of this Realme; Answers, The Parliament is the supreme power, and the king supreme Governour: And yet there he allowes him a Negative Voyce; and fol. 107. confesseth the Acts of Parliament translated the Crowne from the right Heires at Common-law, to others who had no good Title; then the Parliamentary Title makes not the king, so powerfull is truth, that it escapes from a man unawares: To make a distinction between Supreme Governour, and Supreme power, is very strange, for who can Govern without power?

Vide *Speed*
645. 4 par.
Instit. 27.
&c.

The king assembles the Parliament by His Writ, adjourns, prorogues, and dissolves the Parliament, by the law at his pleasure, as is evident by constant practise, the House of Commons never sate after an adjournment of the Parliament by the kings command. Where is the supreme Power?

18. Ob.

The king by his oath, is bound to deny no man right much lesse the Parliament, to agree to all just and necessary lawes proposed by them to the king. This is the substance of the discourse against the kings Negative Voyce.

Sol.

The king is so bound as is set downe in the Objection, but who shall judge whether the Bill proposed be just and necessary: For all that they doe propose are so pretended and carried in either House, sometimes by one or two Voyces; or some few as aforesaid, and certainly as hath been shewen, the king his Councill of State, his Judges, Sargeants, Attorney, Sollicitor, and twelve Masters of the Chancery can better judge of them, then two or three, or few more.

Calvins
case, 7.
pars, fol.
11.

Mr. *Pryn* fol. 45. In his book of the Parliaments interest to nominate Privie-Councillors, calleth the opinion of the *Spencers*, to divide the Person of the king from his Crowne, a strange opinion, and cites *Calvins* Case, but leaves out the conclusions therein mentioned, fol. 11. Master *Prynne* saith there, But let this opinion bee what it will: without the Kings Grace and Pardon it will goe very far, and two Acts of Parliament there mentioned are beyond an opinion. And in his Book of opening of the Great Seale, fol. 17. The Parliament hath no jurisdiction to use the Great Seale for Pardons Generall or Particular. Where is the Supreme Power?

19. Ob.

Mr. *Prynnes* (opening of the Seale) pag. 19, saith, the Noblemen and State, the day after the Funerall of King *Henry* the third (King *Edward* the first his sonne being in the Holy Land) made a new Great Seale, and Keepers of the same: And in *Henry* the

the fixts time, in the first yeere of his Reigne, the like was done in Parliament.

A facto, ad jus, is no good Argument, for that in *Edward* the^{Sol.} firsts time, it was no Parliament, for King *Henry* the 3. was dead, which dissolved the Parliament, if called in his time, and it could be no Parliament of *Edward* the firsts time, for no Writ issued to summon a Parliament in his Name, nor could issue but under that New Seale, it was so sodainly done after *Henry* the thirds death, King *Edward* the first being then in the Holy Land, it was the first yeere of his Reign, and no Parliament was held that yeere, nor the second yeere of his Reigne: The first Parliament that was in his Reigne, was in the third yeere of his Reigne, as appears by the Printed Acts. Also the making of that Seale was by some Lords then present, What hand had the Commons in it? Concerning the Seale made in *Henry* the fixths time, the Protector was Vice-Roy according to the course of Law, and so the making of that Seal was by the Protector in the Kings name; and that Protector, *Humphery* Duke of *Gloucester*, as Protector, in the Kings name summoned that Parliament, and was Protector made by the Lords, and not in Parliament, as appeareth plainely, for that Parliament was in the first of *Henry* the sixth, and the first holden in his time, and power given by Commission to the said Duke, then Protector, to summon that Parliament, *Prynne, ibid. fol. 19.* But the new counterfeit Seale was made when the King was at *Oxford*, in his own kingdome, and not in the holy Land.

Mr. *Prynne* in his Book of the two Houses to impose Taxes, 20. Ob. restraines Malignants against any *Habeas Corpus*, &c. saith, that the Parliament is above *Magna Charta*, and *fol. 15. ibid.* The Parliament hath power over *Magna Charta* to repeale the same when there is Cause.

This Argument supposeth that they have the kings power, ^{Sol.} which hath appeared formerly they have not. But suppose they had, *Magna Charta* containes many morall Lawes, which by the Law of the Land a Parliament cannot alter, 21 H. 7. 2. D. & Student, 2. Dialogue. For example, it saith, *cap. 18.* Justice shall not be sold, delayed, nor denyed to any man: but by this Argument the Parliament may make law to delay, deny, and to sell Justice, which surely is a very ill position to maintaine.

What they would have, doth now by the Propositions sent to *New-castle* to His Majesty appeare, whereby they would have him divest himselfe, and settle in them all his kingly power by Sea and land, and of themselves to have power without him, to lay upon the people of this land what taxes they think meet, to abolish the Common-prayer-booke, to abolish Episcopacie, and to introduce a Church-Government not yet agreed, but such as they shall agree on.

His

A Second Collection of T R A C T S.

His Majesty finding a prevailing party in both Houses to steere this course, and being chased away with Tumults from *London*, leaves the Houses for these Reasons, (*viz.*)

First, because to alter the Government for Religion, is against the kings Oath.

Secondly, against their Oathes: For every of them hath sworne in this Parliament, That His Majesty is the onely supreme Governour in all Causes Ecclesiasticall and over all persons.

Thirdly, This course is against *Magna Charta*, the 1. chap. and the last. *Salvæ suis Episcopis omnes libertates suæ*, Confirmed by thirty two Acts of Parliament; and in the two and fortieth of *Edward* the third, in the first Chapter enacts, if any Statute be made to the contrary, it shall be holden for none, and so it is for Judgements at Law, in the 25. of *Edward*, the 1. chap. 1, 2. The Great Charter is declared to bee the Common Law of the Land.

Fourthly, they endeavour to take away by their Propositions, the Government of Bishops, which is as ancient as Christianity in this Land, and the Book of Common-Prayer settled by five Acts of Parliament, and compiled by the Reformers and Martyrs, and practised in the time of foure Princes.

Fifthly, these Propositions taking away from His Majesty all his power by land and Sea, rob him of that which all his Ancestours, kings of this Realme, have enjoyed. That Enjoyment and Usage makes the Law, and a Right, by the same to his Majesty. They are against their owne Protestation made this Parliament, (*viz.*) to maintaine his Royall person, Honour, and Estate; They are against their Covenant, which doth say, that they will not diminish His Just Power and Greatnesse.

For these Reasons His Majesty hath left them, and as is beleevd, will refuse to agree to the said Propositions, as by the Fundamentall Law of the land hee may (having a Negative Voyce) to any Bills proposed.

The result of all is, upon the whole matter: That the king thus leaving of the Houses, and his Denyall to passe the said Propositions, are so farre from making him a Tyrant, or not in a condition to Gouverne, at the present; That thereby hee is rendered a Just, Magnanimous, and pious Prince: so that by this it appeares clearly to whom the Miseries of these Times are to be imputed. The remedy for all, is, an Act of Oblivion, and a Generall pardon.

G O D save the KING.

DAVID JENKINS, now Prisoner in the Tower, 28 Aprilis, 1647.

An Unhappy VIEW of the whole behaviour of my Lord Duke of BUCKINGHAM, at the French Island, called the Isle of RHEE, discovered by Colonell WILLIAM FLEETWOOD, an unfortunate Commander in that untoward SERVICE, 1648.

AT a private assembly at the Councell Table by the King and the Lords, and to extinguish the ignominy of the former service of *Cales*, an attempt into *France* was concluded on, and the Duke designed for Generall, who took the honour indifferently gladly, presuming to recover his lost honour and credit by his own Prowesse in his Exploit.

Hereupon began a strong presse of Soldiers, so large a provision of Victuals, and other maintenance for them, as could not but in common reason promise a boon voyage to come, if the intent were closely carryed.

But before any Souldiers were imbarqued, the Duke out of an evill will to the weal-publique, divulged the plot at Court very freely, without any feare or wit, whereby the worst of our ill-willers wheresoever (taking but the pains to addresse themselves thither) might know all for an easie attention, which must needs be half a prevention of the hopes in question.

Upon the point of our first setting to Sea, the Duke out of a distrust of some miserable death that might befall himself in the voyage, as of the consideration of being for a time estranged from his effeminate pleasures here at home, from which no warlike service could ever with-draw him, would willingly have relinquisht his Charge, without any allegation, either of the weaknes, unexperience, or insufficiency of his own person, but that he was prickt and spurred on to it afresh, by the onley perswasion of his Majesty: For that the eyes of all the Troops, were fixed on him for their Chieftain.

Upon this we put forth to Sea, and inclined ourselves by the Dukes direction to the Island of Rhee, or St. Martins.

Where, as well every Mechanick and common Souldiers, as Captains, and Collonels in our Company, knew, where our Journey was to end. But, *Lord!* the Dukes carriage at Sea was obstinate and ridiculous, and altogether backward to his faith and credit, laid to pawn here at home in his absence; for whatsoever the circumspect Commanders under him had propounded, as behoovefull, he would be sure to gain-say it, under a vile penalty, to command, that no Invention should be so much as set on foot, but what proceeded from his study and approbation, so to be wholly enriched and dignified with the Attribute of compassing all the good fortune that could any way attend the Enterprize, as he now, contrariwise, surfeits of the disgrace.

The Islanders, through the largenes of the Dukes tongue, being too inquisitive after their fortifications of divers plague Passengers at Sea, were acquainted with our meanings, long before they saw us, and we arrived not there without an unlucky expectation, and entertainment.

After we had viewed the Fort and Scituation, we began to demand of the Duke, wherein our Country could be advantaged, by suppressing such a vast strong, ill-favoured place, in that the maintenance thereof after our conquest, would yearly expend very neer as much, as the profit could amount unto.

To this he replied, that through his own Entreaty, upon His Majesties Signing of his Commission, he was only put upon this Island, which, if he should but recover, at his return, it would redeem all his lost honour at home; and so commanded us to intrench our selves.

We all being confident, that the Expression could not but proceed from an undaunted heart, some of us presently in a desperate manner, went on shore (expecting the Duke and his Retinue at our heeles) where we were suddenly unawares encountred very sharply by some Troops of *French* Horsemen (which by meanes that the Duke kept at Sea, and came not in to our succour) so oppressed us with their multitude, that many of our company in our return to our ships, were hewn to pieces, or drowned in the water, as Sir *William Hayden*, Mr. *Temple* of *Lincoln Inne*, and many other of good parentage.

The third day after the repulse, we renewed our strength, and went all again on shore, and there fortified our selves for our most advantage, and in short time after, so furiously summoned the Island, that the Inhabitants were constrained to retire to their Fort, as their last refuge, to the gates whereof we pursued them with great terror, and took some prisoners.

Then perceiving the strength and compasse of the Fort, and understanding that it was well Victualled for a lingring Siege, we recoyled back, and intrenched our selves a new from the annoy of their Cannon, and by degrees we came at last to environ it almost round (as far as it was any way needfull) and yet kept out of the danger of their Ordinance still, and for a good while deprived them of all succours, both by Sea and land, and so planted our Battery.

Thus farre we sped indifferently well, having, in recompence of our first overthrow, gained the Island, and put our selves in possession of it.

The honour and applause whereof detesteth the Duke, and his best merits in the whole action, and, next under God, reflects on the Ever-having fame and memory of that Right Valiant, and Heroique Gentleman Sir *John Burrows*, by whose only reach it was compassed, and whole act herein, since in a calme season, he was afterwards treacherously slain, deserves, if one may say so without presumption, to immortalize his Soule.

The Fort now remaining unyeilded, and standing betwixt us and a reasonable Conquest, by the powerfull and searching perswasion of Sir *John Burrows*, as well common Souldiers as Captains protested to have too, or else to dye in the field, which promise, the very Flower of all our Commanders there, were enforced in the end to make good, to the very effusion of their dearest blood:

bloud: And thus we continued our Battery for above two moneths space; and yet in all that time, through the extraordinary strength of the place, by reason of the Rampiers, and Barracadoes, that the defendants had new erected within, we could make no breach, nor take other opportunity to give an assault.

Whereupon for that our provision held out well, it was determined by Sir *John Burrowes*, whose weakest advise at this time, the multitude were readier to follow than the best of the Dukes) that we should beleagure the round Fort still as we had begun, and without a surrender thereof by a long seige, should starve up the defendants, and (all things considered) this was the only way to surprize so impregnable a place.

The Duke was infinitely incensed with this sway of Sir *John Burrowes*, and his own neglect, and therefore by degrees hee endeavoured to allure the hearts of the Souldiers from him, which bare words could not doe, nor bring to passe till he privately had distributed to some of them assenting, the pay of the rest discenting, whereupon such a murmuring discontent arose betwixt the faction of Sir *John Burrowes* and the Duke, that had not Sir *John* suddenly quieted all by his wisdom, we had certainly mutined amongst ourselves to all our confusion, and so have given the Enemy an occasion of advantage, but they seemed to be reconciled, and new celebrated the amity the same night, by a private Supper in the Dukes Tent.

But such is the malice of a vindicative heart, that it is never appeased, but remains still inexorable and devilish.

For the next morning Sir *John Burrowes* (according to his daily wont) surveying his own Trenches and being clear out of all danger of the Fort, was in an instant stricken dead in the place with a musket shot, by an unknown hand, and so gives up his spotlesse soul into the joyes of Heaven, that had never done but good on earth.

The newes and manner of this bred a new hurly burley in the Campe, and ready we were to dye againe upon each others swords, but through fresh rewards from the Duke to some, and Lord like meanes to other some that had been formerly rewarded, all were once more quieted, and our provision was much lessened, whereupon my Lord of *Holland* was sent to for our reliefe but came not.

About this time there was news, that the *French* King approached with reliefe for the Fort, and to raise our seig, whereupon the Duke for the safeguard of his own person (whereas his retinew were the strongest already) withdrew two of the best Regiments from the sure places where Sir *John Burrowes* had formerly allotted them for his own defence in particular, and so left all manlesse, which the *French* Convoyes perceiving, entered there the same night, and relieved the Fort in abundance both with fresh soldiers and provision, and so nightly for a week together came under our noses with the like stuffe, and yet the Duke would not suffer us to encounter them, pretending that hee feared the *French* King at his backe, when (alas) there was neither King nor *French* Army there.

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When the Fort was as well manned as victualed, the defendants began divers times to confront and brave us, before their maine sallie out, yet this our Generall would neither permit us to encounter them, nor at last to continue our battery, so that in a very discontented manner we lay idle, riotously consuming the remainder of his Majesties allowance, without attempting any thing worth the while: Infomuch that I my selfe impartially demanded of the Duke what he would do with us, whether he longed to inthrall us to his owne ignoble pleasure, or to starve us up instead of the defendants, but could draw no other answer from him, but that he was our General, and so we should know it by the strict hand he would carry over us.

And for our further proceedings against the Fort, wee should go on in our idleness till we heard further from him.

Wee that were Colonels and prime Officers under him could hardly brook this his untoward carriage (as raw meat on our stomachs) yet for quietnesse sake, to repell mutenies in the Camp, we smothered our grudge, without any appearance of heart burning to the multitude, and so lay expecting a miserable successe of all our undertakings. Afterwards the Duke told us, that he had secret intelligence out of the Fort, that most of their best Souldiers had conveyed themselves away by night, for feare of a new supply by my Lord of *Holland*, and that the Remnant (if we lay still intrencht) would shortly become our Vassals, which news being confirmed with as large protestations as could proceed from the heart of any Christian man, made us so far credit him, as to lie secure, and to presume, that this, once done, would make us all as happy, as our confidence in his word, could any wayes make us miserable by the contrary.

The very next morning after this consultation, which fell out to be the day of doom to most of us, the Duke being sensible of his perfidious dealings, and that was the day the Defendants would encounter us to death, notwithstanding what his engagement for our safety had formerly bin to the contrary, privily in his Tent, by the help of his faction; attired one of his own followers, every way much resembling himself, in his warlike habit and colours, with instructions fuitable to the deceit, and then disguised, as a faint and impotent souldier, got himself a Shipboard, and not only left us ignorant of the bloody intent towards us, but also made us incapable to prevent it, when we could.

Immediately upon this, we suspecting as little this treachery (as that which came of it) the defendants numberlesse sallied out, and with such violence and fury assailed us in our Trenches (they taking most of us unarmed, and daunted with the sight of the multitude) that we were glad to fly for our lives.

Which retreat cost most of us our lives (as the assault and both fell out in the end) to make up a conquest to the *French* and an absolute overthrow to us.

The wildnesse of my Lord *Mountjoyes* horse was the cause of his surprizall, and as well of the death of some of our own men, for that he not onley avoyded the Enemies charge, but confusedly ranne upon, and beat back divers of our best horses, which otherwise to the very death would have stood it out.

In

In our flight we aimed at a certain narrow bridge, over a great River, which if we could have recovered and passed, we had stopt the pursuit of our Enemies, but through their policy we were prevented by their overturning a loaded Cart there beforehand which we must either climb over, or leape into the River, or salt-pits, which most of our Company being unable to doe, were instantly hewen in peeces; Sir *Charles Rich* and others of great esteeme, who in the very deadly extremity were offered quarter, but would not, rather chusing to dye honourably, then longer to live with infamy and torment, I my selfe perceiving the folly of resisting any longer, having one of the best Horses in the Company, was forced to take an infirme Salt-pit, where both my selfe and my horse stuck fast in the ground, and where I had suddenly a gashly wound in the legge with a Bullet, and so I lay struggling for life, Lord, Lord, (me thought) what paine it was to dye so, and divers of our Company and Commanders were in the like distresse. But in the end the *French* horsemen, wanting shot to reach us in the water, by the valliancy of the poore remainder of our souldiers, that were gotten over the Cart, wee were dragged a shoare, and so being at that time unpursued, were conveyed out of danger.

During the time of our conflict, our counterfeit Generall fought very resolutely, and got a gash or two in his shoulder for his pains and labour, which (before we knew the deceit) made us, notwithstanding our losses, to commend him for a valourous Commander, but through the Dukes backwardnes, some of those that were trusted with the knowledge of this Villany, we understood it all in two dayes after, in our comfortlesse journey homewards, and we had thereupon presently mortalized his carkasse for amends, but that, upon a more mature deliberation, we thought it fitter to let him die at home, by the inquestionable hand of the Parliament, so he himself could not take this as his preservation, but as his reservation to a more infamous end. And truely should the revenge of the Parliaments almost extremity seize upon him, it would be but correspondent to his merits, that would find in his heart to lye secure himself, and all the while to see us, that were his charge, knocked down, and slaughtered like dogges: O let him go to the grave and let no man stay him, for it is a sin to pity him in his worst estate.

My Lord *Mountjoy* was the onely man of note of our party, that accepted Quarter, and was since very honourably ransomed, and sent home againe, which proceeded more from the Heroique clemency of the *French* King, than for any desert either of his own or ours.

One of our *French* prisoners that we have taken at our first encounter, confessed to me, in our return homewards, that had Sir *John Burrowes* lived one two dayes longer, the Defendants were concluded to have given up the Fort, and all the treasure in it, to our disposure, in respect they had so miserable experience of his vigilant intercepting of all their convoyes, and stopping of their passages; And therefore this reach could not but redownd to their utter confusion in the end, unlesse they submitted themselves betimes, but the news of his death was joyous unto them, as it was grie-
vous

vous unto us, and made them resolve to dye in their own defences, but the mistake at last cost most of us our lives.

And this is the whole description of our mis-fortunes, which upon a due consideration (I think) must needs provoke the poorest affected of our nation, to endeavour a revenge to be done; In all our future Voyages, he must and will be still our Generall, and then to thrive (at least) after the old fashion, we must assure our selves.

We have not been a little famous in *France*, for Conquest heretofore with a few, but God Almighty is omnipotent and just, and we now see it is his pleasure, to make us all to suffer for the sin and lascivious life of this one man: His will be done in all.

And if we can, we must be content (besides too notwithstanding) he hath been the death of divers of the nobility, the unlucky overthrow of all our late voyages.

The unknown consumer of our Treasury, and the utter confusion of the poore *Protestants* in *France*, now daily massacred without all pity, through their needlesse defence of their Religion.

Yet it is the Kings pleasure still to afford him his wonted grace and connivance for all this; and Treason it is apparent to denounce him faulty in any thing; but let his Majesty look to it, for his longer sheltering of this rich Traytor, and false-hearted man, both to God and his Country, which will be the ruine both of himself and his Kingdom at last, yet then I have hope (out of the integrity of his heart, now whilest it is called to day, and before the evill day come) he will give him over to the Parliament, whilst it is of strength to punish him; and that they for their parts will send him to H. without any more adoe.

If any hereafter shall maligne, or goe about to disprove me in any one of these points (so I may be unquestionable for this presumption) I will, notwithstanding my lameness, maintaine all upon notice to his face, to the expence of my dearest blood; In the interim, I expect good news from the Parliament, by the next faire wind.



PONTEFRACT CASTLE. An Account how it was taken; and how General RAINSBOROUGH was surpris'd in his Quarters at *DONCASTER*, Anno 1648.

In a Letter to a Friend. By Captain THO. PAULDEN.

Written upon the Occasion of Prince *Eugene's* surpris'ing Monsieur *Villeroy* at *CREMONA*, 1702.

———*Sic parvis componere magna solebam.*

VIRG.

S I R,

I Received your Letter, wherein you tell me, That the late News of Prince *Eugene's* surpris'ing the Marshal *Villeroy*, in his Quarters at *Cremona*, put your self, and some of my Friends, in mind of the Surprize of General *Rainsborough*, at the Siege of *Pontefract* Castle, in the late Civil Wars of *England*. And I being the only Person now living, that was an Actor in it, you are pleas'd to desire a particular Account of it; which, as far as I know, was never yet fully published.

I appeal to you, and all that know me, if ever I had the Vanity to boast of it, or so much as mention it, but sometimes at the Request of a Friend, as I do now at yours; tho' I had rather refuse to comply even with your Desire, at this Time, than be thought so vain as to make any Comparison (other than of small Things with great) between such a particular Action in our own Country, and so publick and glorious an one, as that of Prince *Eugene*, on the Stage of *Europe*; which failed but by one Accident, of having been yet much more glorious.

But this I may say without Vanity, That our Design was honourable, not to kill a General, in the midst of his Army, but to take him Prisoner, and thereby to save the Life of our own General, Sir *Marmaduke Langdale*, then a Prisoner, and condemned to die, under whose Command we had served in the precedent War.

It may not be unacceptable to you, being a *Yorkshire* Man, to know the most minute Particulars of this Enterprize, we being all *Yorkshire* Men, who had a Share in it.

And first let me tell you how we took the Castle, which was a Garrison for the Parliament, as they call'd the Government, then establish'd in a small Part of the *House of Commons*, and a very small Number of the *Lords*, sitting at *Westminster*.

Pontefract, commonly called *Pomfret Castle*, was thought the greatest and strongest Castle in *England*. It was the ancient Inheritance of the Dukes of *Lancaster*, called, *The Honour of Pomfret*: And it had the Honour to be the last Garrison in the War begun in 42. that held out for the King.

In the Year 1648. the first War being over, we, that had served the King in it, submitting to our common Fate, lived quietly in the Country, till we heard of an intended Invasion by Duke *Hamilton*: Then we met frequently, and resolv'd to attempt the Surpris'ing this Castle, of which Colonel *Cotterel* was Governor for the Parliament, having under him a Garrison of an hundred

dred Men, most of them quartered in the Town of *Pomfret*, and in no Apprehension of an Enemy.

The Design was laid by Colonel *Morice*, (who in his Youth had been Page to the Earl of *Strafford*) my two Brothers, who were Captains of Horse, and my self, Captain of Foot, and some others. We had then about three hundred Foot, and fifty Horse, of our old Comerades, privately listed.

We had secret Correspondence with some in the Castle; among the rest, with a Corporal, who promised, on a certain Night, to be upon the Guard, and to set a Centinel, that would assist us, in scaling the Walls by a Ladder, which we had provided, and brought with us. But the Corporal happened to be drunk at the Hour appointed, and another Centinel was placed where we intended to set our Ladder, who fired upon us, and gave the Alarm to the Garrison. They appearing upon the Walls, our Men retired in haste, leaving the Ladder in the Ditch; whereby the next Day they within knew, that it was no false Alarm, but that there had been a real Attempt to surprize the Castle.

They took not a Man of us; our Foot dispersed themselves in the Country; and half of our Horse marched to Sir *Marmaduke Langdale*, who had then taken *Berwick* and *Carlisle*. The rest, being twenty or thirty Horse, kept in the Woods, while we sent Spies into the Castle, and found that our Confederates within were not discovered, nor our Design betrayed, but only failed by the Corporal's being drunk.

The Ladder being found the next Morning, made the Governor call the Soldiers out of the Town, to lodge in the Castle; in order to which, he sent his Warrants into the Country, for Beds to be brought in by a Day appointed.

We had Notice of it, and made Use of the Occasion. With the Beds came Colonel *Morice*, and Captain *William Paulden*, like Country Gentlemen, with Swords by their Sides; and about nine Persons more, dressed like plain Countrymen, and Constables, to guard the Beds, but arm'd privately with Pocket Pistols and Daggers.

Upon their Approach, the Draw-bridge was let down, and the Gates opened by our Confederates within. Colonel *Morice*, and those who were with him, entred into the Castle. The Main Guard was just within the Gate, where our Company threw down the Beds, and gave a Crown to some Soldiers, bidding them fetch Ale, to make the rest of the Guard drink; and as soon as they were gone out of the Gate, they drew up the Draw-bridge, and secured the rest of the Guards, forcing them into a Dungeon hard by, to which they went down by about thirty Stairs; and it was a Place that would hold two or three hundred Men.

Then Captain *William Paulden* made one of the Prisoners shew him the Way to the Governor's Lodging, where he found him newly laid down upon his Bed, with his Cloaths on, and his Sword, being a long Tuck, lying by him. The Captain told him, the Castle was the King's, and he was his Prisoner; but he, without answering any thing, started up, and made a Thrust at the Captain, and defended himself very bravely, till being fore wounded, his Head and Arm cut in several Places, he made another full and desperate
Push

Push at the Captain, and broke his Tuck against the Bed-post, and then asked Quarter, which my Brother granted; and he, for the present, was put down, among his own Soldiers, into the Dungeon.

Notice was immediately sent to me, lying hard by, of the Taking of the Castle; upon which I marched thither with about thirty Horse, and, it being Market-day, we furnished our selves with all manner of Provisions from the Town.

There came speedily to us, in small Parties, so many of our old Fellow-Soldiers, that our Garrison at last was encreased to five hundred Men, which at the rendring of the Castle afterwards, were reduced to one hundred and forty.

We found in the Castle a good Quantity of Salt and Malt, with four thousand Arms, and good Store of Ammunition, some Cannon, and two Mortar-pieces. We expected a Siege very suddenly, and got what Provisions of Corn and Cattle we could, out of the Country.

Particularly in one Sally, having Notice that there were at *Knatingly*, three Miles from the Castle, three hundred Head of Cattle, bought up in the North, going into the South, under a Guard of two Troops of Horse, we marched out at Night with thirty Horse, and half a Dozen Foot, with Half-pikes to drive the Cattle. We faced the Troops that guarded them, while our Foot drove the Herd towards the Castle; then we followed, and kept betwixt them and Danger, the Enemy not daring to Charge us, and so we came all safe with our Purchase into the Castle. This, and other Provisions, we got in, by several Parties almost every Night, enabled us to keep the Castle above nine Months, though we had not one Months Provision, when we were first beleaguer'd.

For in a very short Time after, we were besieged by Sir *Edward Rhodes*, and Sir *Henry Cholmondy*, and five thousand Men of regular Troops: But we kept a Gate open on the South-side of the Castle, which was covered by a small Garrison, we placed in an House called *New-Hall*, belonging to the Family of *Pierrepoint*, being about a Musquet-shot or two from the Castle.

Some time after, we heard Duke *Hamilton* was beaten at *Preston* in *Lancashire*, and Sir *Marmaduke Langdale* taken Prisoner, and brought to *Nottingham-Castle*. He was General of the *English* at *Preston*, who behaved themselves bravely, and, in truth, did all that was done there. He had also, as I said, been our General; we had his Commission for taking the Castle, as he had the Prince of *Wales's*, and we were resolved to run any Hazard to release him: For it was commonly given out, that they intended to bring him before *Pomfret Castle*, and to execute him in our Sight, if we would not immediately surrender.

It being like to prove a tedious Siege, General *Rainsborough* was sent from *London* by the Parliament, to put a speedy End to it. He was esteemed a Person of great Courage and Conduct, exceeding zealous and fierce in their Cause, and had done them great Service by Land, and also at Sea, where he was for a Time one of their Admirals. His head Quarters were for the present at *Doncaster*, being twelve Miles from *Pomfret*, with twelve hundred

Foot; a Regiment of his Horse lay three or four Miles on the East of *Doncaster*, and another at the like Distance on the West.

Captain *William Paulden*, who commanded all the few Horse in the Castle, laid a Design to surprise him in his Quarters at *Doncaster*; not to kill him, but to take him Prisoner, and exchange him for our own General, Sir *Marmaduke Langdale*; and it was only his own fault that he was killed and not brought Prisoner to the Castle.

The Design seemed the more feasible, because the General and his Men were in no Apprehension of any Surprise; the Castle being Twelve Miles off, closely besieged, and the only Garrison for the King in *England*.

In order to execute this our purpose, Captain *William Paulden* made choice of two and twenty Men, such as he most confided in. At Midnight being well horsed, we marched through the Gate, that was kept open, over the Meadows, between two of the Enemy's Horse-Guards, whom, by the favour of the Night, we passed undiscovered. Early the next Morning we came to *Mexborough*, a Village Four Miles West above *Doncaster*, upon the River *Don*, where there was a Ferry-boat. There we rested, to refresh our selves and our Horses, till about Noon.

In the mean time we sent a Spy into *Doncaster*, to know, if there was any Discovery of a Party being out, and to meet us, as soon as it was dark at *Cunsborough*, a Mile from *Doncaster*; which he did, and assured us, there was no Alarm taken by the Town, and that a Man would meet us at Sunrise, it being then the beginning of *March*, who would give us Notice if all was quiet. Thither the Man came accordingly; the Sign he was to bring with him, to be known by, was a Bible in his hand.

Captain *William Paulden* then divided his two and twenty Men into Four Parties; Six were to attack the Main-Guard, Six the Guard upon the Bridge; Four were ordered to General *Rainsborow's* Quarters; and the Captain, with the remaining Six, after he had seen the Four enter the General's Lodgings, was to beat the Streets, and keep the Enemy from assembling.

We presently forcing the first Barricades, and the Guards there dispersing into the Country, all the rest succeeded as we wish'd; the Main-Guard was surpris'd, we entering the Guard-Chamber, and getting between them and their Arms, bid them shift for their Lives; the same was done to the Guard upon the Bridge, their Arms being thrown in the River.

The Four that went to General *Rainsborow's* Lodging, pretended to bring Letters to him from *Cromwell*, who had then beaten the *Scots*; they met at the Door the General's Lieutenant, who conducted them up to his Chamber, and told him, being in Bed, that there were some Gentlemen had brought him Letters from General *Cromwell*. Upon which, they delivered *Rainsborow* a Packet, wherein was nothing but blank Paper. Whilst he was opening it, they told him, he was their Prisoner, but that not a Hair of his Head should be touched, if he would go quietly with them. Then they disarm'd his Lieutenant, who had innocently conducted them to his Chamber, and brought them both down Staires. They had brought a Horse

Horfe ready for General *Rainsborow*, upon which they bid him mount; he seem'd at first willing to do it, and put his Foot in the Stirrup; but looking about him, and seeing none but foure of his Enemies, and his Lieutenant and Centinel (whom they had not disarm'd) standing by him; he pulled his Foot out of the Stirrup, and, cry'd *Arms, Arms*. Upon this, one of our Men, letting his Pistol and Sword fall, because he would not kill him, catcht hold of him, and they grappling together, both fell down in the Street. Then General *Rainsborow's* Lieutenant catching our Man's Pistol that was fallen, Captain *Paulden's* Lieutenant who was on Horseback, dismounts and runs him through the Body, as he was cocking the Pistol. Another of our Men run General *Rainsborow* into the Neck, as he was struggling with him that had caught hold of him; yet the General got upon his Legs with our Man's Sword in his Hand; but Captain *Paulden's* Lieutenant ran him through the Body, upon which he fell down dead.

Then all our Parties met, and made a noise in the Streets, where we saw Hundreds of their Soldiers in their Shirts, running in the Fields to save themselves, not imagining how small our Number was. We presently march'd over the Bridge, the direct way to *Pomfret Castle*, and all safely arriv'd there; carrying with us Forty or Fifty Prisoners, whom we met by Eight or Ten in a Company. We took no Prisoners at *Doncaster*; nor were any kill'd, or so much as hurt there, but General *Rainsborow* and his Lieutenant, and they too very much against our Will, because our main Intention was defeated thereby, which, I told you, was to exchange and redeem our own General *Langdale*; who however, the very Night before, had fortunately made his own Escape, and lived to see King *Charles* the Second's Restoration, and to be made a Peer of *England* for his eminent Services in the War.

But to go on with our Affairs at *Pomfret*, seeing you have also the Curiosity to know what became of us at last. After the Defeat of the *Scots* Army by *Cromwell* at *Preston* and *Wiggan* in *Lancashire*, Major General *Lambert* came against us; and then we were close shut up, without hope of Relief, and our Provisions very nigh spent, which put us upon Capitulating; and they threw Papers over the Walls offering Honourable Conditions, saving that Six Persons were to be excepted from any Benefit of the Articles, who were not to be named till after the Articles were Signed by the Governor.

The Governor, Colonel *Morice*, hereupon call'd the Officers of the Castle together; and we unanimously promised, we would never agree to deliver any Person up, without his Consent.

Upon this Promise, our Governor sent Six Officers out of the Castle, to Treat with the same Number named by Major General *Lambert*. Of our number I was one. When we met, we told them, That we came to Capitulate about the Surrender of the Castle, but they could not expect that we would deliver our selves up to Execution. Upon which, Colonel *Bright* the first of their Commissioners, told us, That he had Authority from Major General *Lambert*, to engage, That none of us, that Treated, should

be any of the excepted Persons: We told him, That perhaps the Governor might be one of them: He answered, That he did believe the Major General did not so much look upon the Governor, as some that had betrayed the Castle to us, when it was taken. So we parted for that time, without concluding any thing.

At our return to the Castle, we acquainted the Governor with all that had passed; some of our Commissioners telling him, that Colonel *Bright* had engaged he should not be excepted. The Governor asked me, what I thought of it. I plainly told him, I thought he was intended to be one, and repeated to him the very Words that Colonel *Bright* had spoke, which made me suspect he would be excepted, because he had not engaged that the Governor should not be, as he had, that we that Treated should not, but left it ambiguous. Then one of our Commissioners told him, that Lieutenant-Colonel *Crook* had assured him, that our Governor was none of the Excepted; upon which, he resolved we should go out, and conclude, saying generously, that if he was excepted, he would take his Fortune, and would not have so many worthy Gentlemen perish for his sake.

Upon this, I desired the Governor to send some body else in my place, for I had promised solemnly, I would never consent to deliver him up; (which he would have had me sworn to before, but I told him, my Word should be as good as my Oath.) So they went out, and concluded, and Signed the Articles; and after Signing of them, they brought to us, in the Castle, the Names of the excepted Persons, whereof the Governor was the First:

Their Names were,

Colonel Morice, our Governor,

Allen Austwick, Captain W. Paulden's Lieutenant, as one of those that Kill'd Rainsborow.

Blackborne, Captain Paulden's Cornet; for the same Reason.

Major Ashby,

Ensign Smyth,

Serjeant Floyd,

} *These Three had been our Correspondents in the Castle, when we Surprised it.*

We were not obliged to deliver up any of these Excepted Persons, but they had liberty to make their Escape if they could, which they attempted on Horseback, the next Evening, by charging through the Enemies Army. At that very time their Guard unluckily happened to be relieving, so that the Number was doubled they were to break through.

The Governor, and *Blackborne* charged thro', and escaped; but were taken in *Lancashire* about ten days after, (seeking for a Ship to pass beyond Sea) and brought to *York*, where they were both Executed.

Smyth was kill'd in the Attempt. *Austwick*, *Ashby*, and *Floyd*, were forced back into the Castle, where they hid themselves in a private Sally-port (which we had cover'd, designing to take the Castle again by it, when there should happen a fair Opportunity.) Thence they made their Escape the next Night, after the Castle was surrender'd, and all lived till after the King's Return.

Thus

Thus ended the Siege of *Pomfret-Castle*, which was soon after demolished; so that now there remains nothing of that magnificent Structure, but some Ruines of the great Tower, where, the Tradition is, King *Richard* the Second was murdered.

I crave your Leave to add, what I had forgot to mention before, that we kept the Castle, till after King *Charles* the First was Martyr'd: When we solemnly proclaim'd King *Charles* the Second in it; and did not deliver it up till almost two Months after.

Be pleased that I inform you farther, that my Brother, Captain *William Paulden*, died of a Fever in the Castle, a Month before it was surrendr'd; my other Brother, Captain *Timothy Paulden*, was killed in the Fight at *Wiggan*, being then Major of Horse to Colonel *Matthew Boynton*, under the Command of the Earl of *Derby*. I my self followed the Fortune of King *Charles* in his Exile, and was sent into *England*, on several Occasions for his Majesty's Service. I was once betray'd, and brought before *Cromwell*; but I denied my Name, and nothing could be proved against me: However he sent me to the Gatehouse in *Westminster*, from whence I made my Escape, with our old Friend *Jack Cowper*, by throwing Salt and Pepper into the Keeper's Eyes; which, I think, has made me love Salt the better ever since; as you, and all my Friends, know I do, with whom I have eaten many a Bushel.

I went again beyond Sea; and, upon King *Charles* the Second's Restauration, returned into *England*, accompanied with my old Companion, Loyalty, and with the usual Companion of that, Poverty. The first never quitted me: the other by the Favour and Bounty of the Duke of *Buckingham*, was made tolerable.

And having now survived most of my old Acquaintance, and, as I verily believe, All, who had any Part in the foregoing Story, being in the 78th Year of my Age, I am glad I have had this Occasion of shewing my ancient Respects and Friendship for you, by obeying your Commands in this Particular; though you will not let me have the Honour to mention your Name otherwise, than as a *Yorkshire Man* and a Lover of them, who had Faithfully Served King *Charles* the Second, as you your self had done.

After all, perhaps it will not be thought amiss, by our Countrymen of *Yorkshire* at least, that I have lived on to this time; if for nothing else, yet for this, that when the Memorable Action at *Cremona* shall hereafter be spoken of, with the Honour it deserves, this Attempt at *Doncaster* may not be altogether forgotten by Posterity.

Sir, I am

Your most Faithful

Humble Servant,

Thomas Paulden.

London, March 31, 1702.

Mr.

Mr. PRINNS Charge against the King.

Shewing, That the Kings Design, Purpose, and Resolution, his Endeavours, Practice, and Conversation, have alwayes been engaged, byassed, and tended to settle, establish, confirm, Popery, Tyranny, and Slavery, in, among, over his Dominions, Subjects, People, and in order to that Design, end, and purpose, he writ to the Pope of *Rome* (stiling him HIS MOST HOLY FATHER, CATHOLIQUE MAJESTY, THRICE HONOURED LORD and FATHER) engaging himself to the said Pope, to endeavour to settle the Popish Religion only in his Dominions; And since his coming to the Crown, hath extended extraordinary favours upon, and protection of notorious Papists, Priests and Jesuits, against all prosecution of Lawes enacted against them; notwithstanding all his Protestations to the contrary, hath raised up a most horrid, unnatural, and bloody Warre, arming his *Roman* Cotholique Subjects to Massacre, Plunder, Torture, Imprison, Ruine, his loyall, faithfull, pious Protestant Subjects, to burn, sack, and spoile their Cities, Towns and Villages, Collected from the bookes written by *WILLIAM PRINNE*, of *LINCOLNS INN*, Esquire; being but a very small taste from that main Ocean of that which he hath written concerning the King, and his ill behaviour, since his coming to the Crown; as also with references unto clear, satisfactory, convincing Answers unto several objections, concerning resisting, censuring, suspending, depriving Kings for their Tyranny, yea capitally proceeding against them, by the said Author,

Vide the 3d.
part of the
Soveraign
power of
Parliaments
and Kingdoms
Page 83.

ibid.

ibid.

WHich Objections are taken, 1. Out of the Old Testament. 2. Out of the New Testament. 3. From Reason. 4. From the Example of Primitive Christians.

1. From the Scriptures of the Old Testament.

Object. 1. Numb. 16. *Corah*, *Dathan*, and *Abiram*, for their insurrection, of that very divine Authority which God himself had delegated to *Moses* and *Aaron*, without any injurie and injustice at all once offered to them, or any assault of them, &c. Answered, Page 84.

Object. 2. - *Exod.* 22. 28. Thou shalt not revile the Gods, nor curse the Ruler of the People, *Eccle.* 10. 20. Curse not the King, no not in thy thought, &c. *Prov.* 17. 26. It is not good to strike Princes, &c. Answered, Page 84.

Object. 3.

Object. 3. *Deut.* 32. 35. Vengeance is mine, &c. Answered, Page 85.

Object. 4. *Eccl.* 8. 2. 3. 4. I Councell thee to keep the Kings commandment, and that in regard of the oath of God; be not hasty to go out of his sight: stand not in an evill thing, for he doth whatsoever pleaseth him: where the word of a King is, there is power, and who may say unto him, what doest thou? Answered, page 85. 86.

Object. 5. *Psal.* 105. 14. 15. Touch not mine Anointed, answered, pag. 89. 90. 91. 92. 93.

Object. 6. *1. Sam.* 24. 6. 10. *David's* words concerning *Saul*; The Lord forbid that I should do this thing unto my master the Lords Annoynted, to stretch forth my hand against him, seeing he is the Lords annoynted: I will not put forth my hand against him, for he is the Lords annoynted. And so of *David* to *Abishai*, *1 Sam.* 26. 9. 11. 23. And *David* said to *Abishai*, destroy him not, for who can stretch forth his hand against the Lords annoynted, and be guiltlesse? The Lord forbid, that I should stretch forth my hand against the Lords annoynted; the Lord delivered thee into my hand to day, but I would not stretch forth my hand against the Lords annoynted; how wast thou not afraid to stretch forth thine hand against the Lords annoynted: thy blood shall be upon thy head, for thy mouth hath testified that thou hast slaine the Lords annoynted: answered very learnedly, and divinely, *ibid.* pag. 93. 94. 95. 96. 97.

Object. 7. *1 Sam.* 8. 11. *Samuel* tels the People how they should be oppressed under Kings, yet all that violence and injustice that should be done unto them, is no just cause of resistance, for they have no remedy left them but crying unto the Lord: answered pag. 98.

Object. 8. This was Doctor *Ferns*, *Seet.* 2. 3. None of the Prophets in the old Testament, reprehending the Kings of *Israel* and *Judah*, for their grosse Idolatry, cruelty, oppression, did call upon the elders of the people for the duty of resistance, neither do we find the people resisting, or taking up Armes against any of their Kings, no not against *Abab* or *Manasseh*, upon any of these grounds, *Ergo*, Resistance is unlawful: answered page 99. 100. 101. 102.

Object. 9. Out of the New Testament, *Rom.* 13. 1. 2. Let every soule be subject to the higher powers, for there is no power but of God, the powers that be are ordained of God: whosoever therefore resisteth the power resisteth the ordinance of God; and they that resist, shall receive to themselves damnation, &c. with Doctor *Fernes* enforcement of this Text from the Context answered very strongly, Page 103. 104. 105. 106. 107. 108. 109. 110. 111. and that passage of *Tertullian* much insisted upon, *Colimus ergo & imperatorem* *ibid.*

A Second Collection of TRACTS.

ibid.

imperatorem sic, quomodo & nobis licet, & ipsi expedit, ut hominem a DEO SECUNDUM, & quicquid est a Deo consecutum, SOLO DEO MINOREM hoc & ipse volet, sic enim OMNIBUS MAJOR EST, DUM SOLO VERO DEO MINOR EST, sic & ipsis diis major est, dum & ipsi in potestate sunt ejus, answered, page 11. 12. &c.

Again, From Dr. Ferne, That the efficient cause of Royal and Monarchicall power is only from God, not the people; that Kings receive no Regall authority or power from the people, but from God alone; that the power of Kings is not a humane, but a divine power, of which God onely is the efficient cause; that the people do not make the King, but God properly and absolutely; this power, right and authority he hath from God; that the King hath no dominion and power from his Subjects by way of trust, but from God, from whom he hath his kingdome and power, so that by Idolatry and oppression, he breaks not the trust reposed in him by his Subjects, because the people have committed nothing to his charge, but God onely; proof whereof see, *Prov. 8. 15. By me Kings reigne. Dan. 2. 21. God removeth Kings, and setteth up Kings, Dan. 4. 17. 25. The most high ruleth in the Kingdome of men, and giveth it to whomsoever he will, and setteth up over it the basest of men, Hosea 13. 11. 1 Sam. 10. 1. Jer. 27. 5. 6. 7. Ifai. 45. 1. 2. and other Texts answered with very great paine, good distinctions, and cleare satisfaction, pag. 115. to 128.*

ibid.

Object. 10. 1. Pet. 2. 13. 14. 15. 16. Submit yourselves to every ordinance of man for the Lords sake, whether it be to the King as Supream, &c. answered, pag. 128. 129. 130. 131. Thus for the answers of Scriptures from the Old Testament and from the New.

The next are objections from Reason.

Object. 11. As first, Kings are the Fathers, Heads, Lords, Shepherds of the Common-wealth, therefore the sonnes, members, vassals, flocks, must not resist them, answered, pag. 131. 132.

Object. 12. The invasions and oppressions of evill Kings and Tyrants are afflictions and punishments inflicted on us by God, therefore we ought patiently to submit, and not forcibly to resist, answered, pag. 133.

Object. 13. Saints forcible resistance of Tyrants begets civil wars, great disorders and many mischiefs in the state, ergo, it is unlawful and inconvenient, answered, pag. 134.

The last, and grand *Objection* is the testimony of Fathers, as

First, that speech of Saint Ambrose, lib. 5. orat. in *Auxentium*, *Coactus repugnare non audeo, dolere potero, potero flere, potero gommere, adversus arma, milites Gothos lachrymæ meæ armasunt, talia enim sunt munimenta Sacerdotum, ALITER NEC DEBEO, NEC POSSUM RESISTERE, answered, pag. 135. 136.*

ibid.

The

The second is that of *Nazianzen, Oratio 2. in Julianum*, answered, pag. 137. 138.

The third, that of *Bernard, Epist. 121. to King Lewis of France*, answered, pag. 138. 139.

The fourth authority, was the Example of Primitive Christians, who submitted themselves willingly to their persecuting Governours, without resistance in word or deed, answered, page 140. 142. 143.

After all which he concludes the said third Part Of the *Sovereign power of Parliaments and Kingdomes, &c.* with personal, natural, and publike authorities, proving the same, which Mr. *Prinne*, had maintained in the said Book from Page 143 to the end thereof.

If any man desires more satisfaction of this nature and subject, he may be very richly and plentifully furnished herewith from several other Books and labours of the said author, Mr. *William Prinne*, who hath more engaged and endeared his Country unto him, by detecting the King and his ill Government, clearing the scruples, answering of questions, touching the lawfulness of opposing and resisting Kings and Rulers in their tyranny and cruelty, then any Lawer, Divine, Gentleman, or other, in the whole Kingdom besides, as his four large and learned Books, concerning the *Sovereign Power of Parliaments and Kingdomes, Romes Masterpeece, The Popish Royall Favourite*, and other of his Writings do witnesse.

1. That the present King *Charles* (King of *England, Scotland, Popish Royall &c.*) when he was Prince of *Wales*, did maintain correspondency *Favourite* with the then Pope of *Rome*, by letters wherein, he stiled him page 40. the most holy Father catholick Majesty, thrice honoured Lord and Father, professing that he did not esteeme it a greater honour to be descended from great Princes, then to imitate them in their great Piety, having exposed their Estates and lives, for the exaltation of the holy Cheir, esteeming the protestant Religion, but a novelty and faction, engaging himself by promise to the Pope, that he would imploy himself for the time to come to have but one Religion, viz. the Roman Catholique, and that he would spare nothing that he had in the world, but that he was resolved to suffer all manner of discommodities, even to the hazarding of his Estate and life, for a thing so pleasing unto God, as the advancement of the *Romish* Religion.

2. That the said King hath taken two solemn Oaths upon both *Popish Royall* his Treaties of Marriage with *Spain* and *France*, to protect and *Favourite* maintain to the utmost throughout his Dominions, the *Romish* page 50. Catholick Church and Religion; yea, to suspend and abrogate all Laws against them, and is thereby deeply engaged by vertue of these Oaths to protect, favour and defend the same, and in Con-

ibid. p. 50. cience of the Oaths and Articles (consented unto in the said matches) he holds himself bound (what ever his outward Proteftations and pretences be) to fide with the *Roman Catholique* Subjects, both in *England, Ireland, and Scotland*, and arm them againft his Protestant Subjects and Parliaments in all the 3. Kingdoms, of purpose to make good these his Oaths and Articles.

ibid. p. 41. 3. That the said present King *Charles*, since his coming to the Crown (in prosecution of the aforesaid engagements to the Pope and Church of *Rome*) hath raised most bloody and unnatural War against the Protestant cause and party in his Dominions, in which he hath sustained many incommodities, hazarded both his Estate, Life, and Realms for the reducing all his Subjects to one Religion, viz. the *Roman Catholique*, and upon this ground he

ibid. p. 51. hath issued out *Proclamations, Declarations, Remonstrances* against the *Scots*; the former, and present Parliament, proclaimed them Traytors, Rebels, no Parliament, a faction, he brake up all former Parliaments since his Raign, by discontinuance, and endeavoured to dissolve this Parliament, by the sword of Papists and Athiests, against the very Act of Parliament assented unto by himself, and the aforesaid engagements of the King to the Pope, &c. are the reall ground of the late horrid *Irish* Conspiracy, Massacre, Rebellion, pacification, toleration, and the said Kings connivance at, if not approbation of these horrid, bloody, execrable practices, as also the extraordinary favour lately indulged to these cursed barbarous Rebels by the King, and his most gracious entertainment of them, not only into his royall favour, but Court, Army, and Realm of *England*, as his securest Guard.

ibid. pag. 58. 4. The said King did permit the Papists, Priests, and Jesuits, during the *Scottish* troubles (a little before the beginning of this Parliament) to call a Parliament and generall Councell of state among themselves, even in *London*; wherein the Popes own Nuncio sat president, in which Parliament the chief papists out of all parts of *England* and *Wales* assembled, made severall Lawes and Ordinances for imposing taxes, and raising monies upon all *Roman Catholiques*, for maintenance of the *Scottish* Warres, which were seconded with the Queens own Letters and instructions to the Catholiques, what great liberties and favours her Highnesse had procured for them from his Majesty, exciting them to a liberall contribution towards those Warres, and this popish Parliament was permitted without interruption, when the Protestants and Kingdom might hold none at all, or, at least, are presently dissolved in discontents, and the Popes own Nuncio sit Lord President to rule the roost, which Parliament was thus openly tolerated to be held to make and maintain a Warre against the religious Protestant Subjects, EVEN WITH THE KINGS OWN ACTUAL CONSENT.

5. That

5. That the said King (dissembling with God and men, oppos-^{Epistle to the} ing Papists in words, yet cherishing and protecting them (all he^{Reader be-} may) in deeds, exhibited many royall orders, expresses, letters of^{fore the popish} grace, protection unto popish Recufants, seminary Priests, during^{Royal favou-} all his raig, to stay all manner of proceedings and executions of^{rite.} the Law against them, contrary to the Judges and Justices Oaths, and since this unhappy civill Warre, the Papists both in *England* and in *Ireland*, have been armed against the Parliament by the said Kings Commission, yea put into places of great Command and trust, admitted free access to his Camp, and Court, where they have bin in favours, and preserved from all violence, injury, &c. notwithstanding his many printed Declarations, Proclamations, Protestations, Vowes against Popery and Papists, to blind and delude the over credulous vulgar; and notwithstanding his brave, real, royal, defence of the Protestant Religion so often promised, the best and most zealous Protestants, Ministers, people, both in *England* and *Ireland*, have bin every where most cruelly massacred, plundered, tortured, imprisoned, ruined by the blood-thirsty Popish Cavaliers, many of their Houses and almost whole Towns, fired, sackt by his speciall Commission.

6. That the said King did admit *Can*, the Popes legate, and *Romes* that under the very name, notion, and Authority of the Popes *Master-* Legate, into familiar access to, and conference with him, by all *peece, p. 31.* Arts, Policies, and Arguments, to pervert and draw him with his 3. Kingdoms, to a new subjection to the see of *Rome*, as *Cardinall Pool*, the Popes Legate, extant in *England*, before this in *Queen Maries* Raig, reconciled her and the Realme to *Rome*, to their intolerable prejudice, (an act so inconsistent to the Lawes of this Realm, with the Kings ancient and late Remonstrances, Oaths, Protestations to maintain the Protestant Religion; as may ever amaze the World, which ever lookes more at real actions, than verball Protestations.

7. That the King (after *Endimain Porter*, had gained the Custody of the great Seal of *England*) did issue out divers Proclamations under the great Seal, proclaiming the Parliament Traytors and Rebels, yea, did grant Commissions to *Irish* and *English* Papists, contrary to his former Proclamations, to raise Popish forces both at home and in forraign parts for his defence, as his trustiest and most loyall Subjects, and did send letters and Commissions of favour to the *Irish* Rebels, and hinder all supply from hence to the Protestant party there.

8. That the said King (after the bloody *Irish* Rebels had destroyed the precious lives of above a hundred and forty Thousand Protestants in *Ireland*, and were like to be overcome by the Parliaments Forces (sent from hence and from *Scotland* to relieve the Protestant party) condescended to Articles of pacification with

these Rebels, contrary to an Act of Parliament, and both Houses consents, wherein the said wicked Rebels are declared his Majesties good Catholick Subjects, and no Rebels at all.

ibid.

9. That the said King did send for many thousands of the said Rebels into *England* to massacre the Protestant *English* here, and fight against the Parliament, as they did in *Ireland* heretofore.

Whereas it flies up and down in the mouths of the over-credulous vulgar that Mr. *Wil. Prinne* (since his admission into the Honourable House of Commons) hath most petulently exclaimed against the Armies late Remonstrance; wherein they desire Justice may be done against the King (as the grand Delinquent of the Kingdom,) and furiously enveighed against the same, as if he was newly become the Kings Advocate: these therefore are to stop the current of such reports, and to desire that men may deffen their ears thereunto, considering that not only their tender care of the priviledges of Parliament, (requiring no notice to be taken of any mans Speech within these walles) but also their respects and love unto Mr. *Prinne* (that hath written so much of the peoples and Kingdoms interest and power to call their Kings and Governours to accompt for their unjust, wicked and tyrannicall Government) doth require the same, for if occasion be offered the present proceedings of the Army in requiring justice to be done upon the King, and all other Delinquents, as those that lately fomented a second War, invited the *Scots* into this Kingdom to that end, &c. shall be clearly, fully, convincingly asserted, argued, and maintained from the severall labours, pains, and writings of the said Author Mr. *William Prinne*.



A Perfect NARRATIVE of the whole Proceedings of the HIGH COURT of JUSTICE in the Tryal of the KING in *Westminster-Hall*, on Saturday the 20. and Monday the 22. of this instant *January*. With the several Speeches of the King, Lord President, and Solicitor General. Published by Authority to prevent false and impertinent Relations.

To these Proceedings of the Tryal of the King, I say, Imprimatur, GILBERT MABBOT. Printed January 23, 1648.

Reader,

THere being some impertinent and imperfect Narratives of these two days Proceedings of the High Court of Justice, concerning the King, spread abroad, I have for the greater satisfaction of the Nation in their Proceedings, thought fit (by leave of Authority) to publish this subsequent Relation and Account.

C. W.

January 20. 1648.

AT the High Court of Justice sitting in the great Hall at *Westminster*, Sergeant *Bradshaw* Lord President, about 70. Members present, [O yes] made, Silence commanded. The Act of the Commons in Parliament (for the Tryal of the King) was read, after the Court was called, and each Member rising up as he was called.

The King came into the Court (with his Hat on) the Sergeant usher'd him in with the Mace: Col. *Hacker*, and about thirty Officers and Gentlemen more, came as his Guard.

Lord President. CHARLES STUART King of *England*, the Commons of *England*, assembled in Parliament, being sensible of the great Calamities that have been brought upon this Nation, and of the innocent Blood that hath been shed in this Nation, which are referred to you as the Author of it; and according to that duty which they owe to God, to the Nation, and to themselves; and according to that Power and Fundamental Trust that is reposed in them by the People, have constituted this high Court of Justice, before which you are now brought, and you are to hear your Charge, upon which the Court will proceed.

Mr. Cook, Solicitor General. My Lord, in behalf of the Commons of *England*, and of all the people thereof, I do accuse *Charles Stuart*, here present, of high Treason, and high Misdemeanors; and I do, in the name of the Commons of *England*, desire the Charge may be read unto him.

The King. Hold a little.

Lord President. Sir, the Court commands the Charge to be read, if you have any thing to say afterwards, you may be heard.

The

The CHARGE of the COMMONS of *England*, against CHARLES STUART King of *England*, Of high Treason, and other high Crimes, exhibited to the High Court of Justice, Saturday the 20 of *January*, 1648. (With Col. Lilburn's Notes.)

The Court being sate, and the prisoner at the Barr, M. COOK Solicitor General, spake thus; My Lord, In behalf of the Commons of England, and of all the people thereof, I do accuse CHARLES STUART, here present, of High Treason, and high Misdemeanours: And I do, in the name of the Commons of England, desire the Charge may be read unto Him. Which the Clerk then read, as followeth,

THAT the said CHARLES STUART being * admitted King of *England*, and therein trusted with a *limited Power* to govern by, and according to the Laws of the † Land, and not otherwise; and by this Trust, Oath, and Office, being obliged to use the power committed to him *for the good and benefit of the People*, and for the preservation of their Rights and Liberties: Yet nevertheless, out of a *wicked Design*, to erect, and uphold in himself an unlimited and tyrannical power, to rule according to his ‖ will, and to overthrow the Rights and Liberties of the People; Yea, to take away, and make void the foundations thereof, and of all redress and remedy of misgovernment, which by the fundamental Constitutions of this Kingdom were reserved on the peoples behalf, *in the right and power of frequent and successive Parliaments, or National meetings in Council*: He the said Charles Stuart, for accomplishing such his *Designs*, and for the protecting of himself and his adherents, in His and Their *wicked practices* to the same Ends, hath trayterously and maliciously levied War against the present Parliament and the People therein § Represented.

Particularly, upon or about the 13 day of *June*, in the yeer of our Lord, 1642, at *Beverly* in the County of *York*: And upon, or about the 30 day of *July*, in the yeer abovesaid, in the County of the City of *York*: And upon or about the 24 day of *August*, in the same yeer, at the County of the Town of *Nottingham* (when, and where he set up his Standard of war;) And also on, or about the 23 day of *October*, in the same yeer, at *Edg-Hill*, and *Keinton-field*, in the County of *Warwick*: And upon, or about the 13 day of *November*, in the same yeer, at *Brainford*, in the County of *Middlesex*: And upon, or about the 30 day of *August*, in the yeer of our Lord 1643, at *Cavesham Bridge*, neer *Reading*, in the County of *Berks*: And upon, or about the 13 day of *October*, in the yeer last mentioned, at, or neer the City of

* Then his induction is better than theirs, that come in by absolute conquest, and now govern us by the sword, as slaves.

† But H. Peters saith there is now no Law, but the sword and the will and pleasure of those that now rule by it. See his discourse with mee, 25 May, 1649. p. 4. 5.

‖ Cromwells, and the rest of the great Swordmens constant practice.

§ And so hath Cromwel and Ireton, &c. which I will prove upon my life; and therefore as traitors, ought to dye much more than the King, who till now hath by Parliaments, &c. themselves been often declared not to be subject to the penall part of the Law.

of *Glocester*: And upon, or about the 13 day of *November*, in the yeer last mentioned, at *Newbery*, in the County of *Berks*: And upon, or about the 31 day of *July*, in the yeer of our Lord 1644, at *Cropredy Bridge*, in the County of *Oxon*: And upon, or about the 30 of *September*, in the yeer last mentioned, at *Bodmin*, and other places neer adjacent, in the County of *Cornwal*: And upon, or about the 30 day of *November*, in the yeer last mentioned, at *Newbery* afore said: And upon, or about the 8 day of *June*, in the yeer of our Lord 1645, at the Town of *Leicester*: And also upon the 14 day of the same month, in the same yeer, at *Naseby-field*, in the County of *Northampton*. At which several times and places, or most of them, and at many other places in this Land, at several other times within the yeers aforementioned; and in the yeer of our Lord, 1646, He the said *Charles Stuart*, hath caused and procured many thousands of the free people of the Nation to be slain; and by Divisions, Parties, and Insurrections, within this Land, by invasions from forrain parts, endeavoured and procured by Him, and by many other evill wayes and meanes, He the said *Charles Stuart*, hath not only maintained and carried on the said War, both by Land and Sea, during the yeeres before mentioned; but also hath renewed, or caused to be renewed, the said War against the Parliament, and good People of this Nation in this present * yeer 1648, in the Counties of *Kent*, *Effex*, *Surrey*, *Suffex*, *Middlesex*, and many other Counties and places in *England* and *Wales*, and also by Sea; and particularly, He the said *Charles Stuart*, hath for that purpose, Given Commissions to his son the Prince and others, whereby, besides multitudes of other persons, many such as were by the Parliament intrusted and imployed for the safety of the Nation; being by him or His Agents, corrupted, to the betraying of their Trust, and revolting from the Parliament, have had entertainment and Commission, for the continuing and renewing of war and hostility, against the said Parliament and People, as afore said. By which Cruel and Unnaturall wars by him the said *Charles Stuart*, levyed, continued, and renewed, as afore said, much innocent blood of the † Free People of this Nation hath been spilt; many Families have been undone, the Publick Treasury wasted and exhausted, Trade obstructed and miserably decayed, vast expence and damage to the Nation incurred, and many parts of the Land spoyled, some of them even to desolation.

And for further prosecution of His said Evill designs, He the said *Charles Stuart*, doth still continue His Commissions to the said Prince, and other Rebels and Revolters, both *English* and Forrainers; and to the Earl of *Ormond*, and to the *Irish* Rebels and Revolters, associated with him; from whom further

* Of which years war Cromwel and Ireton by their cheating, jugling and hindering the settling the liberties of the Nation, are and were more guilty of by thousands of degrees than the King or any of his party, and if they had been but honest to their primitive engagements, the wars had never been, upon whose heads alone principally all the blood shed in those wars lyes, say I, John Lilburn.

† But I am sure the chief prosecutors of this charge have made us now perfect slaves, and are most superlatively guilty of all that in the next words followeth.

ther Invasions upon this Land is threatned, upon the procurement, and on the behalf of the said *Charles Stuart*.

All which wicked Designs, Wars, and evil practises of him the said *Charles Stuart*, have been, and are carried on, * *for the advancing and upholding of the personall interest of Will and Power, and pretended Prerogative to Himself and His Family, against the Publick Interest, Common Right, Liberty, Justice, and Peace of the People of this Nation, by, and for whom he was entrusted, as aforesaid.*

By all which it appeareth, that He, the said *Charles Stuart* hath been, and is the Occasioner, Author, and Contriver of the said Unnaturall, Cruel and Bloody Wars, and therein guilty of all the Treasons, Murders, Rapines, Burnings, Spoiles, Desolations, Damage and Mischiefe to this Nation, acted or committed in the said wars, or occasioned thereby.

And the said *John Cook*, by Protestation (saying on the behalf of the † People of *England*, the liberty of exhibiting at any time hereafter, any other Charge against the said *Charles Stuart*; and also of replying to the *Answers* which the said *Charles Stuart* shall make to the Premises, or any of them, or any other Charge, that shall be so exhibited) doth, for the said Treasons and Crimes, on the behalf of the said People of *England*, Impeach the said *Charles Stuart*, as a Tyrant, Traytor, Murtherer, and a publick, and implacable Enemy to the Common-wealth of *England*: And pray, That the said *Charles Stuart*, King of *England*, may be put to answer all and every the Premises, That such Proceedings, Examinations, Tryals, Sentence, and Judgment may be thereupon had, as shall be agreeable to Justice.

The King smiled often during the time, especially at these words, Tyrant, Traytor, Murtherer, and Publique Enemy of the Common-wealth.

Lord President. Sir, you have now heard your Charge read, containing such matters as appears in it; you finde, That in the close of it, it is prayed to the Court, in the behalf of the Commons of *England*, that you answer to your Charge. The Court expects your Answer.

The King. I would know by what power I am called hither; I was not long ago in the *Isle of Wight*, how I came there, is a longer story then I think is fit at this time for me to speake of; but there I entered into a Treaty with both Houses of Parliament with as much publique faith as its possible to be had of any people in the world. I treated there with a number of Honourable Lords and Gentlemen, and treated honestly and uprightly, I cannot say but they did very nobly with me, we were upon a conclusion of the Treaty. Now I would know by what Authority, I mean, lawful; there are many unlawful Authorities in the world, Theeves and robbers by the highways; but I would know by what Authority I was brought from thence, and carryed from place to place, (and I know not what) and when I know what lawful Authority, I shall answer, Remember I am your King, your lawful King, and

† Which as they carry their businesse, they judge to be no more but Cromwell, Ireton, Bradshaw, and Haslerig, all the rest being really their slaves in several degrees.

and what sins you bring upon your heads, and the Judgment of God upon this Land, think well upon it, I say, think well upon it, before you go further from one sin to a greater, therefore let me know by what lawful Authority I am seated here, and I shall not be unwilling to answer; in the mean time I shall not betray my Trust: I have a Trust committed to me by God, by old and lawful descent, I will not betray it to answer to a new unlawful Authority, therefore resolve me that, and you shall hear more of me.

Lord President. If you had been pleased to have observed what was hinted to you, by the Court, at your first coming hither, you would have known by what Authority; which Authority requires you in the name of the People of *England*, of which you are elected King, to answer them.

The King. No Sir, I deny that.

Lord President. If you acknowledge not the Authority of the Court they must proceed.

The King. I do tell them so, *England* was never an elective Kingdom, but an Hereditary Kingdom for near these thousand years, therefore let me know by what Authority I am called hither; I do stand more for the Liberty of my people than any here that come to be my pretended Judges; and therefore let me know by what lawful Authority I am seated here, and I will answer it, otherwise I will not answer it.

Lord President. Sir, how really you have managed your trust, is known; your way of answer is to interrogate the Court which beseems not you in this condition, you have been told of it twice or thrice.

The King. Here is a Gentleman, Lieut. Col. *Cobbot* (ask him) if he did not bring me from the Isle of *Wight* by force? I do not come here as submitting to the Court; I will stand as much for the Privilege of the House of Commons, rightly understood, as any man here whatsoever. I see no House of Lords here that may constitute a Parliament, and (the King too) should have been. Is this the bringing of the King to his Parliament? Is this the bringing an end to the Treaty in the publique faith of the world? Let me see a legal Authority warranted by the Word of God the Scriptures, or warranted by the Constitutions of the Kingdom, and I will answer.

Lord President. Sir you have propounded a Question, and have been answered; seeing you will not answer, the Court will consider how to proceed, in the mean time, those that brought you hither are to take charge of you back again.

The Court desires to know, whether this be all the Answer you will give, or no.

The KING. Sir, I desire that you would give me, and all the world, satisfaction in this; let me tell you, it is not a slight thing you are about. I am sworn to keep the Peace by that duty I owe to GOD and my Country, and I will do it to the last breath of my body, and therefore you shall do well to satisfy first GOD, and then the Country, by what Authority you do it, if you do it by a usurped Authority, you cannot answer it. There is a GOD in Heaven that will call you, and all that give you power, to account; Satisfie me in that, and I will answer, otherwise I betray my Trust,

and the Liberties of the People, and therefore think of that, and then I shall be willing. For I do avow, That it is as great a sin to withstand lawful Authority, as it is to submit to a Tyrannical, or any otherwayes unlawful Authority, and therefore satisfie me that, and you shall receive my answer.

Lord President. The Court expects you should give them a final Answer, their purpose is to adjourn till Monday next, if you do not satisfie yourself, though we do tell you our Authority, we are satisfied with our Authority, and it is upon Gods Authority and the Kingdoms, and that Peace you speak of will be kept in the doing of Justice, and thats our present Work.

The King. For answer let me tell you, You have shewn no lawful Authority to satisfie any reasonable man.

Lord President. That is in your apprehension, we are satisfied that are your Judges.

The King. Tis not my apprehension, nor yours neither, (that ought to decide it.)

Lord President. The Court hath heard you, and you are to be desposed of as they have commanded.

The Court adjourns to the painted Chamber on *Monday* at 10. of the clock in the forenoon, and thence hither.

It is to be observed.

That as the Charge was reading against the King, the head of his staff fell off, which he wondered at, and seeing none to take it up, he stoops for it himself.

As the King went away facing the Court, said, I do not fear that, (meaning the sword.) The people in the Hall as he went down the stairs cried out, some, *God save the King*, and most for *Justice*.

At the high Court of Justice sitting in Westminster-Hall, Munday January 22. 1648.

O Yes made. Silence commanded. The Court call'd and answer'd to their names.

Silence commanded upon pain of imprisonment, and the Captain of the Guard to apprehend all such as make disturbance.

Upon the Kings coming in a shout was made.

Command given by the Court to the Captain of the Guard to fetch and take into his custody those who make any disturbance.

Mr. Solicitor. May it please your Lordship my Lord President.

I did at the last Court in the behalf of the Commons of *England*, exhibit and give into this Court a Charge of high Treason, and other high Crimes against the Prisoner at the Barre, whereof I do accuse him in the name of the People of *England*, and the Charge was read unto him, and his Answer required. My Lord, He was not then pleased to give an Answer, but instead of answering, did there dispute the authority of this high Court. My humble Motion to this high Court in behalf of the Kingdom of *England* is,
That

That the Prisoner may be directed to make a positive Answer, either by way of Confession, or Negation; which if he shall refuse to do, That the matter of Charge may be taken *pro confesso*, and the Court may proceed according to Justice.

Lord President. Sir, You may remember at the last Court you were told the occasion of your being brought hither, and you heard a Charge read against you containing a charge of high Treason and other high crimes against this Realme of *England*; you heard likewise, that it was prayed in the behalf of the People, that you should give an Answer to that Charge, that thereupon such proceedings might be had as should be agreeable to justice; you were then pleased to make some scruples concerning the Authority of this Court, and knew not by what Authority you were brought hither; you did divers times propound your Questions, and were as often answer'd, That it was by authority of the *Commons of England assembled in Parliament*, that did think fit to call you to account for those high and capitall Misdemeanours wherewith you were then charg'd. Since that the Court hath taken into Consideration what you then said, they are fully satisfied with their owne authority, and they hold it fit you should stand satisfied with it too; and they do require it, that you do give a positive and particular answer to this charge that is exhibited against you; they do expect you should either confesse or deny it; if you deny, it is offer'd in the behalfe of the Kingdome to be made good against you; their authority they do avow to the whole world, that the whole Kingdome are to rest satisfied in, and you are to rest satisfied with it, and therefore you are to lose no more time, but to give a positive answer thereunto.

The King. When I was here last, 'tis very true, I made that Question, and truly if it were onely my own particular case, I would have satisfied my self with the Protestation I made the last time I was here against the legality of this Court, and that a King cannot be tryed by any Superiour Jurisdiction on Earth; but it is not my case alone, it is the freedome and the liberty of the People of *England*, and do you pretend what you will, I stand more for their Liberties. For if Power without Law may make Lawes, may alter the fundamentall Lawes of the Kingdome, I do not know what subject he is in *England*, that can be sure of his life or any thing that he calls his owne; therefore when that I came here, I did expect particular reasons to know by what Law, what Authority you did proceed against me here; and therefore I am a little to seek what to say to you in this particular, because the Affirmative is to be prov'd, the Negative often is very hard to do: but since I cannot perswade you to do it, I shall tell you my Reasons as short as I can.

My Reasons why in Conscience and the duty I owe to God first, and my People next, for the preservation of their lives, Liberties and Estates; I conceive I cannot answer this, till I be satisfied of all the legality of it.

All proceedings against any man whatsoever.

Lord President. Sir, I must interrupt you, which I would not do, but that what you doe is not agreeable to the proceedings of any Court of Justice,

Justice, you are about to enter into Argument, and dispute concerning the Authority of this Court, before whom you appear as a prisoner, and are charged as an high Delinquent; if you take upon you to dispute the Authority of the Court we may not do it, nor will any Court give way unto it, you are to submit unto it, you are to give a punctuall and direct answer, whether you will answer your Charge or no, and what your answer is.

The King. Sir, by your favour, I doe not know the forms of Law, I doe know Law and Reason, though I am no Lawyer profess'd, but I know as much Law as any Gentleman in *England*; and therefore (under favour) I do plead for the Liberties of the people of *England* more then you doe, and therefore if I should impose a belief upon any man without reasons given for it, it were unreasonable, but I must tell you, that that reason that I have as thus informed I cannot yeeld unto it.

Lord President. Sir, I must interrupt you, you may not be permitted, you speak of Law and reason, it is fit there should be Law and reason, and there is both against you. Sir, the Vote of the Commons of *England* assembled in Parliament, it is the reason of the Kingdome, and they are these that have given to that Law, according to which you should have rul'd and reignd: Sir, you are not to dispute our Authority, you are told it again by the Court. Sir, it will be taken notice of, that you stand in contempt of the Court, and your contempt will be recorded accordingly.

The King. I doe not know how a King can be a Delinquent, but by any Law that ever I heard of, all men (Delinquents or what you will) let me tell you they may put in Demurrers against any proceeding as legall, and I doe demand that, and demand to be heard with my Reasons, if you deny that, you deny Reason.

Lord President. Sir, you have offer'd something to the Court, I shall speak something unto you the sence of the Court. Sir, neither you or any man are permitted to dispute that point, you are concluded, you may not demurre the Jurisdiction of the Court, if you do, I must let you know, that they over-rule your Demurrer, they sit here by the Authority of the Commons of *England*, and all your Predecessors, and you are responsible to them.

The King. I deny that, shew me one president.

Lord President. Sir, you ought not to interrupt while the Court is speaking to you, this point is not to be debated by you, neither will the Court permit you to do it, if you offer it by way of Demurrer to the Jurisdiction of the Court, they have considered of their Jurisdiction, they do affirme their owne Jurisdiction.

The King. I say Sir, by your favor that the Commons of *England* was never a Court of Judicature, I would know how they came to be so.

Lord President. Sir, You are not to be permitted to go on in that speech and these discourses.

Then the Clerk of the Court read as followeth.

Charles Stuart King of *England*, You have been accused on the behalf of the People

People of England of high Treason and other high Crimes; the Court have determined that you ought to answer the same.

The King. I will answer the same so soone as I know by what authority you do this.

Lord President. If this be all that you will say, then Gentlemen you that brought the Prisoner hither, take charge of him back againe.

The King. I doe require that I may give in my Reasons why I do not answer, and give me time for that.

Lord President. Sir, 'Tis not for Prisoners to require.

The King. Prisoners? Sir, I am not an ordinary Prisoner.

Lord President. The Court hath considered of their jurisdiction, and they have already affirm'd their jurisdiction; if you will not answer, we shall give order to record your default.

The King. You never heard my Reason yet.

Lord President. Sir, Your Reasons are not to bee heard against the highest Jurisdiction.

The King. Shew me that Jurisdiction where Reason is not to be heard.

Lord President. Sir, We shew it you here, the Commons of *England*; and the next time you are brought you will know more of the pleasure of the Court; and, it may be, their finall determination.

The King. Shew me where ever the House of Commons was a Court of Judicature of that kind.

Lord President. Sergeant, Take away the Prisoner.

The King. Well Sir, Remember that the King is not suffer'd to give in his Reasons, for the Liberty and Freedome of all his Subjects.

Lord President. Sir, You are not to have liberty to use this language; How great a friend you have been to the Lawes and Liberties of the People, let all *England* and the world judge.

The King. Sir, under favour it was the Liberty, Freedome, and Lawes of the subject that ever I took——defended my selfe with Armes, I never took up Armes against the People, but for the Lawes.

Lord President. The Command of the Court must be obeyed; no answer will be given to the Charge.

The King. Well Sir.

And so was guarded forth to Sir *Robert Cottons* house.

Then the Court adjourned to the Painted Chamber on Tuesday at twelve a clock, and from thence they intend to adjourne to *Westminster-Hall*, at which time all persons concerned are to give their attendance.

A Continuation of the NARRATIVE being the third and fourth Days Proceedings of the HIGH COURT of JUSTICE, Sitting in Westminster Hall, on Tuesday January 23. Concerning the Tryal of the KING: With the several Speeches of the King, Lord President and Solicitor General.

O Yes made. Silence commanded. The Court called. Seventy three persons present.

The King comes in with his Guard, looks with an austere countenance upon the Court and sits down.

The second O Yes made, and silence commanded.

Mr. Cook Solicitor General. May it please your Lordship, my Lord President.

This is now the third time, that by the great grace and favour of this High Court the Prisoner hath been brought to the Bar before any issue joined in the cause. My Lord, I did at the first Court exhibite a Charge against him, containing the highest Treason that ever was wrought upon the Theatre of *England*, That a King of *England*, trusted to keep the Law, that had taken an Oath so to do, that had tribute paid him for that end, should be guilty of a wicked designe, subvert and destroy our Laws, and introduce an Arbitrary and Tyrannicall Government, in the defence of the Parliament and their Authority, set up his Standard for War against his Parliament and People; and I did humbly pray, in the behalf of the People of *England*, that he might speedily be required to make an Answer to the Charge.

But my Lord, instead of making any answer, he did then dispute the Authority of this High Court; Your Lordship was pleased to give him a further day to consider and to put in his Answer, which day being yesterday, I did humbly move, that he might be required to give a direct and positive Answer either by denying or confession of it; but (my Lord) he was then pleased for to demurre to the Jurisdiction of the Court, which the Court did then over-rule, and command him to give a direct and positive Answer. My Lord, Besides this great delay of Justice, I shall now humbly move your Lordship for speedy Judgment against him. My Lord, I might press your Lordship upon the whole, that according to the known Rules of the Law of the Land, That if a Prisoner should stand as contumacious in contempt, and shall not put in an issuable Plea, guilty or not guilty of the Charge given against him, whereby he may come to a fair Tryal; That as by an implicate Confession, it may be taken *pro confesso*, as it hath been done to those who have deserved more favour than the Prisoner at the Bar has done: But besides, my Lord, I shall humbly press your Lordship upon the whole fact; the House of Commons, the supreme Authority and Jurisdiction of the Kingdom, they have declared, That it is notorious, That the matter of the Charge is true, as it is in truth (my Lord) as cleare as chrystal, and as the Sun that shines at noon day, which if your Lordship and the Court be not satisfied in, I have notwithstanding, on the People of *England's* behalf, several witnesses to produce: And therefore I do humbly pray, and yet I must confess it is not
so

so much I as the innocent blood that has been shed, the Cry whereof is very great for Justice and Judgment; and therefore I do humbly pray that speedy Judgment be pronounced against the Prisoner at the Bar.

Lord President. Sir, you have heard what is moved by the Council on the behalf of the Kingdom against you. Sir, You may well remember, and if you do not, the Court cannot forget what delatory dealings the Court hath found at your hands, you were pleased to propound some Questions, you have had your Resolution upon them. You were told over and over again, That the Court did affirm their own Jurisdiction, that it was not for you nor any other man to dispute the Jurisdiction of the supream and highest Authority of *England*, from which there is no Appeal, and touching which there must be no dispute; yet you did persist in such carriage, as you give no manner of obedience, nor did you acknowledge any Authority in them, nor the high Court that constituted this Court of Justice.

Sir, I must let you know from the Court, that they are very sensible of these delays of yours, and that they ought not, being thus authorized by the supream Court of *England*, be thus trifled withall, and that they might in Justice, if they pleased, and according to the Rules of Justice, take advantage of these delays, and proceed to pronounce Judgment against you, yet nevertheless they are pleased to give direction, and on their behalfs I do require you, That you make a positive Answer unto this Charge that is against you. Sir, in plain terms, for Justice knows no respect of persons; you are to give your positive and final Answer in plain *English*, whether you be guilty or not guilty of these Treasons laid to your Charge.

The King after a little pause, said,

When I was here yesterday I did desire to speak for the Liberties of the people of *England*; I was interrupted: I desire to know yet whether I may speak freely or not?

Lord President.

Sir, You have had the Resolution of the Court upon the like Question the last day, and you were told that having such Charge of so high a Nature against you, and your Work was, that you ought to acknowledge the Jurisdiction of the Court, and to answer to your Charge. Sir, If you answer to your Charge which the Court gives you leave now to do, though they might have taken the advantage of your contempt; yet if you be able to answer to your Charge, when you have once answered, you shall be heard at large, make the best Defence you can. But Sir I must let you know from the Court, as their commands, that you are not to be permitted to issue out into any other discourses, till such time as you have given a positive answer concerning the matter that is charged upon you.

The King. For the Charge I value it not a rush, it is the Liberty of the People of *England* that I stand for; for me to acknowledge a new Court that I never heard of before, I that am your King, that should be an example to all the people of *England* for to uphold Justice, to maintain the old Lawes; indeed I do not know how to do it; you spoke very well the first day that I came here, (on Saturday of the obligations that I had laid upon me by
God

God, to the maintenance of the Liberties of my People: the same Obligation you spake of, I do acknowledge to God that I owe to him, and to my People, to defend as much as in me lies the antient Lawes of the Kingdome, therefore untill that I may know that this is not against the fundamentall Laws of the Kingdome, by your favour I can put in no particular * Charge: If you will give me time I will shew you my reasons why I cannot do it, and this —————

Here being interrupted, he said,

By your favour, you ought not to interrupt me; how I came here I know not, ther's no Law for it to make your King your Prisoner: I was in a Treaty upon the publike Faith of the Kingdome, that was the known ——— two Houses of Parliament that was the Representative of the Kingdome, and when that I had almost made an end of the Treaty, then I was hurried away and brought hither, and therefore —————

Here the Lord President said; Sir, You must know the pleasure of the Court.

The King. By your favour Sir:

Lord President, Nay Sir, by your favour, you may not be permitted to fall into those discourfes; you appear as a Delinquent, you have not acknowledged the authority of the Court, the Court craves it not of you, but once more, they command you to give your positive answer ——— *Clark.* Do your duty.

The King. Duty Sir!

The Clark reads.

Charles Stuart, King of England, you are accused in the behalfe of the Commons of England of divers high crimes and Treasons, which Charge hath been read unto you, the Court now requires you to give your positive and finall answer by way of confession or deniall of the Charge.

The King. Sir, I say againe to you, so that I might give satisfaction to the people of England of the cleernesse of my proceeding, not by way of answer, not in this way, but to satisfie them that I have done nothing against that Trust that hath been committed to me, I would do it; but to acknowledge a new Court against their priviledges, to alter the fundamentall Laws of the Kingdome, Sir you must excuse me.

Lord President. Sir, this is the third time that you have publickly disown'd this Court, and put an affront upon it, how far you have preserved Priviledges of the people your Actions have spoke it; but truly Sir, mens intentions ought to be knowne by their actions, you have written your meaning in bloody Characters throughout the whole Kingdome, but Sir you understand the pleasure of the Court, ——— Clerk record the default, ——— and Gentlemen you that took charge of the Prisoner, take him back again.

The King. I will only say this one word more to you, if it were only my own particular I would not say any more nor interrupt you.

Lord

* This is as the King exprefs'd, but I supposed he meant Answer.

Lord President. Sir, You have heard the pleasure of the Court, and you are (notwithstanding you will not understand it) to find that you are before a Court of Justice.

Then the King went forth with his Guard, and Proclamation was made, that all persons which had then appear'd, and had further to do at the Court, might depart into the Painted Chamber, to which place the Court did forthwith adjourne, and intended to meet in *Westminster-Hall* by ten of the clock next morning.

Cryer. God bleſſe the Kingdome of *England*.

Wednesday January 24. 1648.

THis day it was expected the high Court of Justice would have met in *Westminster-Hall*, about ten of the clock, but at the time appointed one of the Uſhers by direction of the Court (then ſitting in the Painted Chamber) gave notice to the People there aſſembled, That in regard the Court was then upon the examination of Witneſſes in relation to preſent affairs, in the Painted Chamber, they could not fit there, but all perſons appointed to be there, were to appear upon further Summons.

A Continuation of the NARRATIVE, being the laſt and final dayes Proceedings of the HIGH COURT of JUSTICE, ſitting in Westminster-Hall on Saturday January 27. concerning the Tryal of the King; with the ſeveral Speeches of the King, Lord President, and Solicitor General. Together with a Copy of the SENTENCE OF DEATH upon CHARLES STUART King of England.

O Yes made. Silence commanded. The Court called.
 Firſt, The Lord President, (who was in a Scarlet Veſture, befitting the buſineſs of the day.) After him 67. Members more answered to their names.

The King came in, in his wonted poſture (with his Hat on.)

A Cry made in the Hall (as he paſſed to the Court) for Juſtice and Execution.

O Yes made: And Silence commanded. The Captain of the Guard commanded to take into cuſtody ſuch as made any diſturbance.

Upon the Kings coming he deſired to be heard.

To which the Lord President answered, That it might be in time, but that he muſt hear the Court firſt.

The King preſt it, for that he believed it would be in Order to what the Court would ſay, and that an haſty Judgment was not ſo ſoon recalled.

Then the Lord President ſpake, as followeth,

Gentlemen, It is well known to all or moſt of you here preſent, that the Priſoner at the Bar hath been ſeveral times convented, and brought before this Court to make answer to a Charge of Treason, and other high Crimes

exhibited against him in the name of the People of * *England*. To which Charge, being required to answer, he hath been so far from obeying the Commands of the Court by submitting to their Justice, as he began to take upon him reasoning and debate unto the Authority of the Court, and to the highest Court that appointed them, and to try and to judge him, but being overruled in that, and required to make his Answer, he was still pleased to continue Contumelious, and to refuse to submit to answer; hereupon the Court, that they may not be wanting to themselves, nor the Trust reposed in them, nor that any mans wilfulness prevent Justice, they have thought fit to take the matter into their Consideration, they have considered of the Charge, they have considered of the Contumacy, and of that Confession which in Law doth arise upon that Contumacy; they have likewise considered of the Notoriety of the Fact charged upon this Prisoner, and upon the whole matter; they are resolved and have agreed upon a Sentence to be pronounced against this Prisoner, but in respect he doth desire to be heard before the Sentence be read and pronounced; the Court hath resolved that they will hear him: Yet Sir, Thus much I must tell you beforehand, which you have been minded of at other Courts, That if that which you have to say be to offer any debate concerning the Jurisdiction, you are not to be heard in it, you have offered it formerly, and you have struck at the Root, that is, the Power and the supreme Authority of the Commons of *England*, which this Court will not admit a Debate of, and which indeed it is an irrational thing in them to do, being a Court that acts upon Authority derived from them. But Sir, If you have any thing to say in defence of your self, concerning the matter charged, the Court hath given me in command to let you know they will hear you.

Then the King answered;

Since that I see you will not hear any thing of Debate, concerning that which I confess I thought most material for the Peace of the Kingdom, and for the Liberty of the Subject, I shall wave it, I shall speak nothing to it; but only I must tell you, that this many a day all things have been taken away from me, but that that I call dearer to me than my life, which is my Conscience and my Honour; and if I had a respect to my life more than the Peace of the Kingdom, the Liberty of the Subject, certainly I should have made a particular Defence for my self, for by that at leastwise, I might have delayed an ugly Sentence, which I beleeve will pass upon me; therefore certainly, Sir, as a man that hath some understanding, some knowledge of the world; if that my true zeal to my Country had not overborn the care that I have for my own Preservation, I should have gone another way to work than that I have done: Now Sir, I conceive, that an hasty Sentence once past may sooner be repented of than recalled, and truly the self same desire that I have for the Peace of the Kingdom, and the Liberty of the Subject more than my own particular ends, makes me now at last desire, That I having something to say that concerns both: I desire before Sentence be given

* *Here a Malignant Lady interrupted the Court, (saying, not half the People,) but she was soon silenced.*

given that I may be heard in the Painted Chamber before the Lords and Commons: this delay cannot be prejudicial unto you whatsoever I say: if that I say no Reason, those that hear me must be Judges, I cannot be Judge of that that I have; if it be Reason, and really for the welfare of the Kingdom, and the Liberty of the Subject, I am sure on't it is very well worth the hearing; therefore I do conjure you, as you love that that you pretend, (I hope its real,) the Liberty of the Subject, the Peace of the Kingdom, that you will grant me this hearing before any Sentence be past; I only desire this, That you will take this into your consideration, it may be you have not heard of it beforehand, if you will I will retire, and you may think of it; but if I cannot get this Liberty, I do protest, That these fair shews of Liberty and Peace are pure shews, and that you will not hear your King.

The Lord President said,

That what the King had said, was a declining of the Jurisdiction of the Court, which was the thing wherein he was limited before.

The King urged,

That what he had to say was not a declining of the Court, but for the Peace of the Kingdom, and liberty of the Subject.

Lord President.

Sir; This is not altogether new that you have moved unto us, though it is the first time that, in person, you have offered it to the Court: And afterwards, That though what he had urged might seem to tend to delays, yet according to that which the King seemed to desire, the Court would withdraw for a time, and he should hear their pleasure.

Then the Court withdrawing into the Court of Wards, The Sergeant at Arms had command to withdraw the Prisoner, and to give Order for his Return again.

The Court after about half an hours debate returned from the Court of Wards Chamber; And the King being sent for, the Lord President spake to this effect;

Sir, You were pleased to make a motion here to the Court, touching the propounding of somewhat to the Lords and Commons in the painted Chamber, for the Peace of the Kingdom; you did in effect receive an answer, before their adjourning, being *pro forma tantum*; for it did not seem to them that there was any difficulty in the thing; they have considered of what you have moved, and of their own Authority: The Return from the Court is this, That they have been too much delayed by you already, and they are Judges appointed by the highest Authority, and Judges are no more to delay, than they are to deny Justice; they are good words in the great old Charter of *England*, *Nulli negabimus, nulli condemus, et nulli deferemus justitiam*: But every man observes you have delay'd them in your Contempt and Default, for which they might long since have proceeded to Judgment against you; and notwithstanding what you have offered, they are resolved to proceed to Sentence and to Judgment, and that's their unanimous Resolution.

King. Sir, I know it is in vain for me for to dispute, I am no *Septrick* for to deny the power that you have; I know that you have power enough: Sir I must confesse I think it would have been for the Kingdomes peace if you would have taken the pains for to have shown the lawfulnessse of your Power: for this delay that I have desired, I confesse it is a delay, but it is a delay very important for the peace of the Kingdome; for it is not my person that I look at alone, it is the Kingdomes welfare and the Kingdomes Peace: it is an old sentence, *That we should look on long before we have resolved of great matters suddenly*: therefore Sir I do say again, that I do put at your doors all the inconveniency of a hasty sentence. I confesse I have been here now I think this week, this day eight daies was the day I came here first, but a little delay of a day or two further may give peace, whereas an hasty Judgment may bring on that trouble and perpetuall inconveniency to the Kingdome, that the child that is unborne may repent it; and therefore againe out of the duty I owe to God, and to my Country, I do desire that I may be heard by the Lords and Commons in the painted Chamber, or in any other Chamber that you will appoint me.

The President replied, that what he desired was no more than what he had moved before, and therefore the Court expected to heare what he would say before they proceeded to sentence.

King. This I say, That if you will heare me, I do not doubt to give satisfaction to you, and to my people, and therefore I do require you (as you will answer it at the dreadfull Day of Judgment) that you will consider it once againe.

President. The Court will proceed to sentence, if you have no more to say.

King. Sir, I have nothing more to say, but I shall desire that this may be entred what I have said.

The Lord President then proceeded to declare the grounds of the sentence, that the Court were resolved to discharge their duty, that he had spoken of a precious thing cal'd Peace, and it were to be wish't that God had put it into his heart that he had effectually and really indeavoured and studied the Peace of the Kingdome, as now in words he seem'd to pretend; That it appeared to the Court, that he had gone upon very erroneous principles, the Kingdome had felt it to their smart, that the Court was very sensible of it, and so he hoped the understanding People of *England* would be; That the Law was his Superiour, and that he ought to have ruled according to the Law: the difference was who should be the Expositors of the Law, whether he and his party out of the Courts of Justice, or the Courts of Justice, nay the Sovereigne and high Court of Justice, the *Parliament of England*, that is not only the highest expounder of the Law, but the sole maker of the Law, and that for him and those that adhere to him to set themselves against it, was not Law. That what some of his owne Party had said, *Rex non habet parem in regno*, was granted, but though he was *major singulis*, yet he was *universis minor*, That the Barons of old when the Kings playd the Tyrants, called them to account, that they did *frenum ponere*, that

that if they did forbear to doe their duty now, and were not so mindfull of their owne Honour and the Kingdomes, as the Barons of old were, certainly the Commonalty of *England* would not be unmindfull of what was for their preservation, and their safety. That if the King went contrary to that end, he must understand that he is but an Officer in trust, and they to take order for the punishment of such an offending Governour. That this is not a Law of Yesterday, upon the division of him and his People, but of old; and that the Kings Oath implied as much: and where the People could not have any other remedy, the Parliament were to do it, who were ordained to redresse the grievances of the People. The Parliaments were to be kept, we finde in old Authors, twice in the year, that the Subject might upon any occasion have a ready remedy. That his designe had beene to destroy Parliaments, and that when they would not ingage against his native Kingdom of *Scotland*, he desolv'd the Parliament. That as *Caligula* the great Roman Tyrant wisht the People of *Rome* had but one neck, that at one blow hee might cut it off; and this Kings proceedings had beene somewhat like his; For the Body of the People of *England* is no where represented but in Parliament; and could hee but have confounded that, hee would soone have cut off the Head and Neck of *England*. That it was no new thing to cite Presidents, where the people (when power was in their hands) have made bold to call their Kings to account; that it would be too long a time to mention either *France*, *Spaine*, the Emperour, or other Countreyes, but he instanc'd in the Kingdome of *Aragon*, where there was a man *Tanquam in medio positus*, betwixt the King and the people, and he is acknowledged to be the Kings Superiour, and is the grand preserver of the peoples Priviledges; and what the *Tribunes of Rome* were heretofore, and the *Ephori* to the *Lacedemonian State*, that was the Parliament of *England* to the *English State*; that he needed not to mention those forraigne stories, if he look'd but over *Twede*, there was enough in his native Kingdome of *Scotland*, if they look'd upon their first King *Tergusius* who left two sons in their minority, and the elder seeming disaffected to their peace, and opposing his Uncle, who ruled well, they chose the younger: that of 109. Kings of *Scotland*, he need not make mention how many of them the people had made bold to deale withall, some to banish, and some to imprison, and some to put to death, no Kingdome had more plentiful experience then that Kingdome hath of the deposition and punishment of their offending and transgressing Kings; And not to go farre for example, the Kings Grandmother set aside, and his Father an *Infant* crowned. And there wants not examples here in *England* both before and since the Conquest, as King *Edward* the second, and *Richard* the second were so dealt with by the Parliament, and whosoever looks into their stories should not find the Articles that are charg'd upon them, to come neare to that heighth and capitalnesse of crimes that were laid to his Charge, and for succession by inheritance it was plaine from the Conquest that of 24. Kings, one halfe of them came in by the State.

That the Oath at his Coronation did shew there was a contract and bargain made by the people.

After

After the Lord President had cited many things to this purpose, in relation to the power of Kings, and their being called to account for breach of Trust, and expressed in what sense this present King had been guilty, according to his Charge of being a Tyrant, Traytor, Murtherer, and publike Enemy to the Common-wealth. He further declared in the name of the Court, That they did heartily wish, that hee would be so penitent for what hee had done amisse, that GOD might have mercy at leastwise upon his better part; for the other it was their duty to do it, and to doe that which the Law prescribes, they were not there *jus dare*, but *jus dicere*; that they could not but remember what the Scripture said, *For to acquit the guilty it is equal abomination as to condemne the innocent*; we may not acquit the guilty; what sentence the Law affirms to a Traytor, a Tyrant, a Murtherer, and a publike Enemy to the Countrey, that sentence he was to hear read unto him.

Then the Clerke read the sentence drawn up in parchment.

That whereas the Commons of England in Parliament had appointed them an high Court of Justice for the trying of Charles Stuart King of England, before whom he had been three times convented, and at the first time a Charge of high Treason, and other Crimes and misdemeanours was read in the behalf of the Kingdome of England, &c.

Here the Clerk read the Charge.

Which charge being read unto him as aforesaid, he the said Charles Stuart was required to give his Answer, but he refused so to do, and so exprest the severall passages at his Triall in refusing to answer.

For all which Treasons and Crimes this Court doth adjudge, That he the said Charles Stuart, as a Tyrant, Traitor, Murtherer and a publike Enemy, shall be put to death by the severing of his Head from his Body.

After the sentence read, the Lord President said,

This sentence now read and published, it is the act, sentence, judgment and resolution of the whole Court: here the Court stood up, as assenting to what the President said.

King. Will you heare me a word Sir?

Lord President. Sir, you are not to be heard after the sentence.

King. No Sir?

Lord President. No Sir, by your favour Sir. Guard, withdraw your Prisoner.

King. I may speake after the sentence.

By your favour Sir, I may speak after the sentence ever.

By your favour (hold) the sentence Sir —

I say Sir I do —

I am not suffered for to speak, expect what Justice other people will have.

O Yes. All manner of persons that have any thing else to do, are to depart at this Time, and to give their attendance in the painted Chamber, to which place this Court doth forthwith adjourne itselfe.

Then the Court rose, and the King went with his Guard to Sir Robert Cottons, and from thence to Whitehall.

The

The Perfect TRYAL and *CONFESSIO*N of the Earl of DERBY, at a Court-Marshall holden at *CHESTER* the first Day of *October*, in the Year of our Lord God, 1651. By vertue of a *Commission* from His Excellency the Lord General *Cromwell*. With his Speech and Plea in defence of his Life delivered at the Bar; and his Sentence to be beheaded in the Market Place of *Boulton* in *Lancashire* on *Wednesday* next, his Letter to his Lady concerning the same, and the Government of the *Island*; as also Capt. *Younge*s Summons, and her resolute Answer. Likewise, The Tryal of Sir *Timothy Fetherstonhaugh*, and his Sentence to be beheaded at *Chester*, and Capt. *Benbow* to be shot at *Shrewsbury*. Together with the Charge of *High Treason* against Col. *Vaughan*, Lieut. Col. *Jackson*, C. *Massey*, Dr. *Drake*, Mr. *Cafe*, Mr. *Jackson*, and Mr. *Jenkins*. With the Parliaments Directions to the High Court of Justice for their Tryal this present *Friday*.

ON *Wednesday* being the 1st of this instant Moneth, the Earl of *Derby* was brought to his Tryal, before the Court-Marshall holden at *Chester*, in the Year of our Lord God, 1651. By vertue of a *Commission* from his Excellency the Lord Gen. *Cromwel*; Grounded upon an Act of Parliament of the 12 of *August* last, Entituled *An Act prohibiting correspondency with Charles Stuart, or his Party*, Directed to Major Gen. *Mitton*, &c. The said Court being assembled together, after silence proclaimed, the Names of the Officers were called over; where were present as followeth:

A List of the Names of the Officers, at a *Court-Martial* holden at *Chester*, on the 1st of *October*, for Tryall of the Earl of *Derby*, Sir *Timothy Fetherstonhaugh*, and Captain *Benbow*.

Col. <i>Humphry Mackleworth</i> President.	Capt. <i>Samuell Smith</i> .
Major General <i>Mitton</i> .	Capt. <i>John Downes</i> .
Col. <i>Robert Duckenfield</i> .	Capt. <i>Vincent Corbet</i> .
Col. <i>Henry Bradshaw</i> .	Capt. <i>John Delves</i> .
Col. <i>Thomas Croxton</i>	Capt. <i>John Griffith</i> .
Col. <i>George Twisleton</i> .	Capt. <i>Thomas Portington</i> .
Lieut. Col. <i>Henry Birkenhead</i> .	Capt. <i>Edward Alcock</i> .
Lieut. Col. <i>Simon Finch</i> .	Capt. <i>Ralph Pownall</i> .
Lieut. Col. <i>Newton</i> .	Capt. <i>Richard Grantham</i> .
Captain <i>James Stepford</i> .	Capt. <i>Edward Stelfax</i> .

After

After the Court was proclaimed, The President gave Order for the Prisoner to be brought to the Bar; and accordingly he was guarded from the Castle to the said Court, where Judge Mackworth read the *Act of Parliament, prohibiting correspondence with Charles Stuart, or his Party*. And when his Lordship came to the latter clause of the said Act, viz. *That whosoever shall offend against this Act and Declaration, shall or may be proceeded against by a Council of War who are hereby authorized to hear and determine all and every the said Offences; and such as shall by the said Councell be condemned to suffer Death shall also forfeit all his and their Lands, Goods, and other Estate, as in case of High Treason*. Upon which words, the Earl of Derby said, *I am no Traitor, neither* — Sir, replied the President, *Your words are contemptible: You must be silent during the reading of the Act, and your Charge*. After his Lordship had read the said Charge of High Treason, &c. The Earl pleaded, *That he had quarter given him for his life by one Captain Ege, which (said he) he conceived a good Bar to avoid triall for life by a Council of War, unless he had committed some new Fact since quarter given, that might bring him within the cognizance of a Court-Marshal*. Hereupon the Commissioners took the matter into consideration, and after a long and serious Debate they agreed to over-rule him in his *Plea*, and finding him guilty of Treason, passed Sentence upon him in these words:

The Sentence against James Earl of DERBY.

1. *Resolved (by the Court) upon the Question,*
That James Earl of Derby is guilty of the breach of the said Act of the 12 of August last past, Entituled, *An Act prohibiting correspondence with Charles Stuart, or his Party*, and so of High-Treason against the Commonwealth of England, and is therefore worthy of death.

2. *Resolved, &c.* That the said James Earl of Derby is a Traytor to the common-wealth of England, and an Abetter, Encourager, and Assister of the declared Tritors and Enemies thereof, and shall be put to death, by severing his Head from his Body, at the Market-place in the Town of Boulton in Lancashire, upon Wednesday the 15 of this instant October about the hour of one of the clock of the same Day.

No sooner was Sentence denounced; but immediately he was remanded back to the place from whence he came; And in hope of Mercy, hath voluntarily writ a Letter to his Lady for the surrender of the Isle of Man, and to submit to the present Government; but its believed, that his lines are not effectually, Though life be sweet, and his Lordship exceeding desirous thereof. Yet the fatal Blow is expected to be given at Boulton.

Wherein the just judgement of God upon this man is very remarkable, that in the same County where he first raised Arms, drew the first blood, and had done so much mischief, yea and in the very same Town, where by his means so much blood had been spilt, when he caused Ruperts Tragick march that way, it should be so brought about by his righteous providence, that he should now come to have his own blood shed there upon a Scaffold before all the world; by
the

the hand of publick Justice: but that he would had torn the bowels of his Countrey by a pernicious Warre, should be censured by a Court of Warre, to be made an example of divine vengeance in the midst of his Countrey.

And now as to his Plea of Quarter, it appears very clear, that the Commissioners had good reason to over-rule him (as they did) in that Plea; because quarter for life belongs only to such as are Hostes, i. e. Enemies, not to such as are Perduelles, Traitors to their Country, The Earl is a Native of England, and therefore being taken fighting against England, cannot be accounted a competent enemy, nor in reason expect an exemption by quarter, which in this present cause is to be esteemed only a meer suspending of a present military execution, that the offender might be brought to punishment by due course of Law: So that if the Earl had well consulted the Act of the 12 of August last, whereupon he was tryed, which authoriseth a Councell of War to try Delinquents against it, and considered himself an offender against that Act, as guilty of High Treason against the Land of his Nativity, and this State and Government, then he and his friends must needs have understood, That crimes of so high a nature, cannot be exempted by any particular Officer, (who is onely employd to attach and bring such Malifactors to tryal before the Magistrate that set him on work) but are to be taken cognisance of by any persons, power or judicatory, appointed by the supreme Authority against whom such delict is committed; and such was the Court Martial now in this case, they being persons impowered and designed by the Parliament, to hear and determine cases of Treason, according to the Tenor of the forementioned Art.

But the Earls next plea was the ignorance of the Acts of Treason set forth by the Parliament. This was more slight then the former; for, every man being bound to take notice of the Lawes of this Common-wealth, under which he lives or under whose power he comes, no mans ignorance can excuse, but rather aggravate his offence; besides, the very light of nature and common reason must needs have instructed him so far, as to know that it is the highest of all crimes, and Treasons, for a man to lay designs, bear Arms, and joyn with the declared enemy of his native Country.

The Honourable Court having proceeded to Sentence against the Earl of Derby; in order to the further executing of Justice, began with Sir Timothy Fetherstonhaugh, and Captain Benbow, and being brought to the Bar, the President likewise caused the Act of Parliament to be read; as also their Charg, consisting of High-Treason: and after a short speech by them made, touching the Grounds and Reasons of their Engagement, the Court proceeded to Sentence, and accordingly resolved as followeth.

The sentence of the Court against Sir Timothy Fetherston.

1. Resolved upon the Question,

THat Sir Timothy Fetherstonhaugh, is likewise guilty of the breach of the said Act of Parliament, of the 12. of August last past, and so of High-Treason against the Common-wealth of England, and is therefore worthy of death.

2. Resolved, &c.

That the said Sir *Timothy Fetherstonhaugh*, as a Traytor to the Commonwealth of *England*, and an Abettor, encourager, and Assister, of the declared Traytor and enemy thereof, shall be put to death by severing his head from his body, at some remarkable and convenient place in the city of *Chester*, upon *Wednesday* the 22. of this instant *October*.

The sentence of the Court against Captain John Benbow.

1. Resolved by the Court upon the Question,

That Capt. *John Benbow*, is also guilty of the breach of the said Act of the 12. of *August* last, and so of High-treason against the Commonwealth of *England*, and is therefore worthy of death.

2. Resolved, &c.

That the said captain *John Benbow*, as a traitor to the Commonwealth of *England*, shall be shot to death at some convenient place in the town of *Shrewsbury*, upon *Wednesday* the 15 of this instant *October*, about one of the clock the same day.

The Earl of *Derbies* confession, that they expected a general rising of the Presbyterians in *Lancashire*, they being provided both with Arms and Ammunition, and that they had laid a Plot for the surprizing of *Liverpool*.

He confesseth also, that when himself landed lately here in *England*, both *Asburst* and *Massey* told him, they had a letter signed by the *Scots* King, and the Ministers in his Army, directed to the Ministers of *Manchester*, which (he saith) their King himself also told him, to bestir themselves in the *Scots* behalf.

There hath been a Summons sent into the *Isle of Man*, by Captain *Young*, for the surrender thereof to the Parliament of *England*; Whereupon the Countess of *Derby* returned this Answer.

That she was appointed to keep the *Isle of Man* by her Lords Command; which in duty she was bound to obey, and that therefore without his Order and appointment she would not deliver it up to any.

Her Ladyship is strongly fortifying *Peson Castle*, where the *Leaden Crown* is kept, It is situated upon an exceeding great Rock, and thought to be impregnable.

The Parliament have given Directions and Instructions to the High-Court of Justice, for the Tryall of divers Gentlemen who stand accused for High-Treason; a List of their Names followeth.

Col. *Joseph Vaughan*Mr. *Cafe*Leut. Col. *Jackson*Mr. *Jackson*Capt. *Hugh Massey* [Brother toMr. *Jenkins*Col. *Massey*.Mr. *Watson*

Ministers,

Mr. *Robinson* AndDoctor *Drake*Mr. *Herrick*.

The True SPEECH delivered on the SCAFFOLD by JAMES Earl of *DERBY*, in the Market-place at *Boulton* in *Lancashire*, on *Wednesday* last, being the 15th of this inst. *Oct.* 1651. With the manner of his deportment and Carriage on the Scaffold: his Speech concerning the King of *Scots*. And his Prayer immediately before his Head was severed from his Body. As also his Declaration and Desires to the People. Likewise, the manner how the King of *Scots* took Shipping at *Gravesend*, on the 4th of this instant *Oct.* with Captain *Hind*, disguised in Seamens Apparel, and safely arrived at the *Hague* in *Holland*.

ON *Wednesday* last being the fifteenth of this inst. *October*, the Earl of *Derby* was brought to the Place of Execution (the Scaffold being erected and set up in the place where the Cross formerly stood) attended by divers Gentlemen and others; And where were present many hundreds of People who came from several parts adjacent to behold this Object of compassion. As soon as his Lordship came upon the Scaffold, he took up the Block, and kissed it, saying; I hope there is no more but this Block between Me and Heaven; and I hope I shall never tire in my way, nor go out of it. Then turning to the People and putting off his Hat, he spake as followeth:

Christian Gentlemen, and People;

YOUR business hither to day, is to see a sad Spectacle, a Peer of the Land to be in a moment unman'd, and cut off by an untimely end: And tho' truly, if my general course of life were but enquired into, I may modestly say, there is such a morall honesty upon it, as some may be so peremptory as to expostulate why this great judgment has fallen upon me: But know that I am able to give them and myself an answer, and out of this breast (laying his hand upon his Heart) to give a better accompt of my Judgment and Execution then my Judges themselves or you are able to give; It is Gods wrath upon me for sins long unrepented, of many judgments withstood and mercies slighted; therefore God hath whipped me by his severe rod of correction, that he might not loose me; I pray join with me in prayer, that it may not be a fruitless rod, that when by this rod I have laid down my life, by this staffe I may be comforted, and received into glory.

As for my accusers, I am sorry for them, they have committed *Judas* his crimes; but I wish and pray for them *Peters teares*, that by *Peters* repentance they may escape *Judas* his punishment, and I wish other people so happy, they may be taken up betimes, before they have drunk more blood of *Christian* men, possibly less deserving then myself.

It is true, there have been severall addressees made for mercy, and I will put the obstruction of it upon nothing more then upon my own sin, and seeing God sees it not fit (I having not glorified him in my life) I might do it in my death, which I am content to do: I profess in the face of God no particular malice to any one of the State or Parliament, to do them a bodily injury I had none.

For the cause in which I had a great while waded, I must needs say, my engagement or continuance in it hath laid no scruple upon my Conscience, it was on principles of Law, the knowledgment whereof I embrace, and on Principles of Religion, my judgment satisfied, and Conscience rectified, that I have pursued those ways for which I bless God, I find no blackness upon my Conscience, nor have I put it into the bead-roll of my sins.

I will not presume to decide controversies; I desire God to honour himself in prospering that side that hath right with it, and that you may enjoy peace and plenty, when I shall enjoy peace and plenty, beyond all you possess here: in my conversation in the world, I do not know where I have an Enemy with cause, or that there is such a person to whom I have a regret; but if there be any whom I cannot recollect, under the notion of Christian men I pardon them, as freely as if I had named them by name, I freely forgive them, being in free peace with all the world, as I desire God for Christ sake to be at peace with me. For the business of death, it is a sad sentence in itself, if men consult with flesh and blood: But truly without boasting, I say it, or if I do boast, I boast in the Lord, I have not to this minute, had one consultation with the flesh about the blow of the Ax, or one thought of the Ax, more than as my Passe-port to glory.

I take it for an honour, and I owe thankfullness to those under whose power I am, that they have sent me hither to a place however of punishment, yet of some honour to die a death, exceeding worthy of my blood, answerable to my birth and qualification, and this courtesie of theirs, hath much helped towards the pacification of my mind.

I shall desire God that those *Gentlemen* in that sad bedroll to be tried by the high Court of *Justice*, that they may find that really there that is nominal in the Act; An high Court of Justice, a Court of high Justice, high in its righteousness, though not in its severity, *Father forgive them, and forgive me as I forgive them.*

I desire you that you would pray for me, and not give over praying till the hour of death, nor till the minute of death, for the hour is come already, that as I have a very great load of sins; so I may have the wings of your prayers, to help those Angels that are to Convoy my soul to Heaven, hoping this day to see Christ in the presence of the Father, and myself there to rejoyce with all other Saints and Angels for evermore.

One thing more I desire to be clear in. There lieth a common imputation upon the Kings party, that they are Papists, and under that name we are made odious to those of the contrary opinion: I am not a Papist, but renounce the Pope with all his dependencies; when the distractions in Religion first sprang up, I might have been thought apt to turn from this Church
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to the *Roman*, but was utterly unsatisfied in their Doctrine, in point of faith, and very much, as to their Discipline. The Religion which I profess is that which passeth under the name of *Protestant*, though that be rather a name of distinction, then properly essential to Religion. But the Religion which was found out in the Reformation purged from all the errours of *Rome*, in the Reign of *Edward* the 6. practised in the Reigns of Queen *Elizabeth*, King *James*, and King *Charles*, that blessed Prince deceased, that Religion before it was defaced. I am of which I take to be Christs Catholique, though not the Roman Catholique Religion: in the profession and practice whereof, I will live and die, that for my Religion. Then he turned himself unto the Executioner, I have no reason to quarrell with thee, though art not the hand that throws the stone——

there is 3l. for thee,

Now tell me what I lack. *Executioner.*

Your hair to be turned up my Lord, Shew me how to fit my self upon the block. After which his doublet being off, and hair turned up, he turned again to the People, and prayed a good while. Before he laid down upon the block, he spake again to the People, viz: There is not one face that looks upon me, though many faces, and perhaps different from me in opinion and practice, but (me thinks) hath something of pitty in it, and may that mercy which is in your hearts, fall into your own bosomes when you have need of it; and may you never find such blocks of sin to stand in the way of your mercy, as I have met with. I beseech you joyn with me in prayer. Then he prayed (leaning on the Scaffold) with an audible voice for about a quarter of an hour; having done, he had some private conference with Dr. Green, then taking his leave of his friends and acquaintance saluting them all with a courteous valediction, he prepared himself for the block, kneeling down said, let me try the block, which he did, after casting his eyes up, and fixing them very intently upon Heaven, he said, when I say Lord Jesus receive me, Executioner do thine Office, then kissing the Ax he laid down, and with as much undaunted, yet Christian courage as possibly could be in man, did he expose his throat to the fatall Ax, his life to the Executioner, and commended his soul into the hands of God, as into the hands of a faithfull and mercifull Creator, through the meritorious passion of a gracious Redeemer, saying the forementioned words, his head was smitten off at one blow.

The Earl of *Derby* his Funeral Sermon: Preached by Doctor *Green*, on Tuesday in the Afternoon before his Lordship was executed.

BEloved, when we come to die, we shall be stript naked of three things.
1. We shall be stript naked of all our worldly honour, riches and greatnesse. 2. We shall be stript naked of our bodies. And 3. Which is above all, we shall be stript naked of our sins. And that is the happines of a child of God, he shall put off, not only his mortal body, but the body of sin.

4. In the fourth place observe, As no man knoweth the time when he falls asleep, a man falls asleep before he is aware: So no man can tell the certain time when he must die. There is nothing so certain as that we must die, nothing so uncertain as the time when we shall die; Death comes suddenly even as sleep comes upon a man before he is aware.

5. When a man goeth to sleep, he goeth to sleep but for a certain time, in the morning he awakes out of sleep. So it is with the sleep of death; and therefore death is called a sleep, because we must all awake in the morning of the resurrection. We are in the grave, as in our beds and when the trumpet of God, and the voice of the Archangel shall sound, we shall all rise out of our grave, as out of our beds. Death is but a sleep for a certain time.

6. Sleep is a great refreshing to those that are weary and sick, and when the sick man awakes, he is more lively and chearful then he was when he fell asleep; and therefore sleep is called *Medicus laborum redinte gratio virium recreator corporum*, The great Physician of the sick body, the redinte-gratification of mans spirits, the reviver of the weary body. And so it is with death, when Gods people awake out of the sleep of death, they shall be made more active for God then ever they were before; when you lie down in the grave, you lie down with mortal bodies; *It is sown a mortal body, but it shall rise up an immortal body, it is sown in dishonour, but it shall rise up in honour; it is sown a natural body, but it shall rise up a spiritual body.*

7. When we rise out of our beds, we then put on our Cloathes, So in the morning of the resurrection, we shall put on a glorious body, like to the glorious body of Jesus Christ, we shall put on *Stolam immortalitatis*, the garment of immortality.

8. As no man when he layeth him down to sleep, knoweth the direct time when he shall awake. So no man can tell when the resurrection shall be. They do but couzen you, who say, that the general resurrection shall be such or such a year; for, as no man can know the minute when he shall awake out of his natural sleep, no more can any man know when we shall arise from the sleep of death.

9. It is a very easie thing to awake a man out of sleep, it is but jogging of him and you will quickley awake him.

10. As when a man ariseth in the morning, though he hath slept many hours; nay suppose he could sleep 20 yeares together, yet notwithstanding, when he awakes, these 20 yeares will seem to be but as one hour unto him. So it will be at the day of Judgment, all those that are in their graves, when they awake, it will be *tanquam somnus unius horæ*, but as the sleep of an hour unto them.

Lastly, and most especially, As sleep seizeth onely upon the body, and the outward senses, but doth not seiz upon the soul, the soul of man is many times most busie, when the man is asleep; And God hath heretofore revealed most glorious things to his children in dreams, when they have bin asleep; God appeared unto *Abraham* and many others in dreams, the body sleeps, but the soul awakes. So it is with the sleep of death, the body that dies,
but

but the soul doth not die. There are some men that are not afraid to teach you, That the soul sleeps as well as the body, and that when the body dies and falls asleep, the soul likewise continues in a dull Lethargy *veternoſo ſomno correptus*, neither capable of joy nor ſorrow, untill the reſurrection. Beloved, This is a very uncomfortable, and a very falſe Doctrine. They endeavour to prove it from my Text, they ſay, That *Stephen* when he died fell aſleep; It is true in regard of his body, he fell aſleep, but his ſoul did not fall aſleep, that which was ſtoned fell aſleep, which was his body onely; for when he was ſtoning, he ſaw Jeſus Chriſt ſtanding ready to receive his ſoul into heaven; Lord Jeſus, ſaith he, *receive my Spirit*. *Stephens* ſoul could not be ſtoned, though his body was ſtoned. So when Jeſus Chriſt was crucified, his ſoul was not crucified. I mean, when his body was killed his ſoul was not killed: indeed he did endure torments in his ſoul, which made him cry out, *My God, my God, why haſt thou forſaken me?* But yet his ſoul did not die. So when *Stephen* died, his ſoul went to Chriſt. It is true, when a child of God dies, the ſoul goes to ſleep; How is that? The ſoul goes to ſleep in a Scripture-ſenſe, that is, it goes to reſt in *Abrahams* boſom (O bleſſed ſleep) it goes to reſt in the imbraces of God, it goes into the arms of its Redeemer, it goes to the heavenly Paradife, it goes to be alwayes preſent with the Lord. But take heed of that wicked opinion, to ſay, that the ſoul ſleeps in an Anabaptiſtical ſenſe; that is, That it lies in a ſtrange kind of Lethargy, neither dead, nor alive; neither capable of joy nor ſorrow, untill the reſurrection. Though *Stephens* body fell aſleep, yet his ſoul did not fall aſleep, but immediatly went unto Jeſus Chriſt in Heaven. Thus I have given the Explication of the words.

Now give me leave to make ſome Application of all unto our ſelves.

If the death of Gods children be nothing elſe but a falling aſleep, then let this comfort us againſt the deaths of our godly friends, though they die unnatural and violent deaths, tho' they be Stoned to death, tho' they be burnt to aſhes, though they be ſawn aſunder, &c. Here is a meſſage of rich conſolation, which as a Miniſter of Chriſt I hold out unto you this day, viz. That the death of a child of God, let it be after what manner ſoever it will, it is nothing elſe but a falling aſleep; he goes to his grave as to his bed; and therefore our burying places are called *xominetèria, domitoria*, our ſleeping-houſes. A child of God when he dies he lies down in peace, and enters into his reſt.

Dr. *Green* (he being upon the Scaffold) ſpake as followeth to the Earl of *Derby*.

You have this morning in the preſence of a few, given ſome accompt of your Religion, and under generall notions or words, have given an accompt of your faith, charity, and repentance.

To thoſe on the Scaffold if you pleaſe to hear the ſame queſtions asked here, you ſhall find that it may be a general teſtimony to you all, that he died in the favour of God.

Now Sir, I begin to deal with you: you do acknowledge that this ſtroak you are by and by to ſuffer, is a juſt puniſhment laid upon you by God, for your former ſins.

Derby,

Derby. I dare not only not deny it, but dare not but confess it, I have no opportunity of glorifying God more, than by taking shame to myself, and I have a reason of the Justice of God in my own bosome, which I have put to your bosome.

Doctor. You acknowledg you deserve more then this stroak of the Ax, and that a far greater misery is due to you, even the pains and torments of Hell that the damned there endure?

Derby. I know it is due in righteous judgment, but I know again, I have a satisfaction made by my elder Brother *Christ Jesus*, and then I say it is not due, 'tis due from me, but quitted by his righteousnesse.

Doctor. Do you believe to be saved by that Mediator and none others?

Derby. By that and that only, renouncing all secondary causes whatsoever.

Doctor. Are you truly and unfainedly sorry before God, as you appear to us, for all those sins that have brought you hither?

Derby. I am sorry, and can never be sorrowful enough, and am sorry I can be no more sorry.

The End of the SECOND VOLUME.



